

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585-1800

**ADDENDUM**

DATE: July 5, 2007
TO: Commissioners and Interested Parties
FROM: South Central District Staff
SUBJECT: Agenda Item **M 13e**
Application No. **4-06-163 (Malibu Valley Farms, Inc.)**

The purpose of this addendum is to attach correspondence to the Commission received from:

- Interested parties opposed to the proposed project (see attached **Exhibit 28**), and
- Interested parties supportive of the proposed project (see attached **Exhibit 29**).

Las Virgenes Homeowners Federation, Inc.

Post Office Box 353, Agoura Hills, California 91301

EXECUTIVE COMMITTEE

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Las Virgenes Village

Liberty Canyon

Malibu Canyon

Malibu Lake Mountain Club

Malibu Lakeside

Mira Monte

Monte Nido Valley

Old Agoura

Old Topanga

Saddle Peak

Saratoga Hills

Seminole Springs

Stone Creek

Wagon Road Ranches

5 July 2007

California Coastal Commissioners
South Central Coast District Office
89 South California Street, Suite 200
Ventura, CA 93001-2801
Fax: 805-641-1732

Agenda Item 13e 4-06-163
Las Virgenes Homeowners Federation
Opposed

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CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

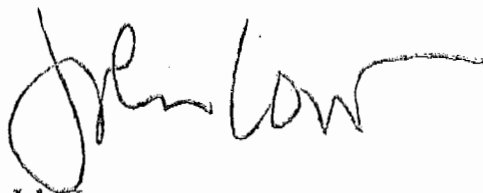
The Las Virgenes Homeowners Federation, representing over twenty homeowners associations in the Calabasas, Agoura, and unincorporated Los Angeles County area, continues to be opposed to the Malibu Valley Farms Coastal Development Permit application.

The unpermitted structures are not in compliance with the Coastal Act, the North Area Plan, or the Malibu-Santa Monica Mountains Land Use Plan, as documented in the staff report. Our members have repeatedly voted to uphold the provisions of those plans.

Please do not grant any variance from the 100-foot stream setback requirement. It represents the minimum amount of buffer space essential for protection of water quality and riparian habitat.

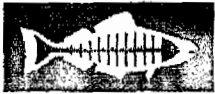
Stokes Creek flows into public parkland immediately south of the facility in question and then joins Malibu Creek, which empties into Malibu Lagoon and Surfrider Beach. We trust that you will protect the extensive investment in public parkland and beaches in this area by eliminating nonpoint pollution sources and taking appropriate action to enforce the provisions of the Coastal Act.

Sincerely,



John Low
President
Las Virgenes Homeowners Federation

Exhibit 28
4-06-163
Correspondence-
Opposed to project



1444 9th Street
Santa Monica CA 90401

tel 310-451-1500
fax 310-406-1502

info@healthebay.org
www.healthebay.org

Heal the Bay.

July 5, 2007

California Coastal Commission
South Central Coast Area Office
89 South California St., Suite 200
Ventura, CA 93001
Via FAX: (805) 641-1732

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JUL 05 2007

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

RE: Agenda item M13e; Application Number: 4-06-163

Dear Coastal Commissioners:

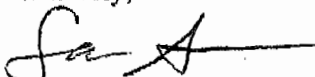
On behalf of Heal the Bay, a non-profit environmental group with over 12,000 members dedicated to making Santa Monica Bay and Southern California coastal waters safe and healthy for people and marine life, we have reviewed the staff report regarding Malibu Valley Farm's request for after-the-fact approval of its unpermitted development. We *strongly support the staff recommendation to deny this application* as the extent of the unpermitted development at this site is widespread and detrimental to water quality and natural resources.


Denial of the project is the simplest route to ensuring that the unpermitted development at this site is appropriately removed, and the site restored. The proposed and existing development at this site threatens Stokes Canyon Creek, an intermittent blue-line stream, as structures are located in and adjacent to the creek. Extensive development is also built directly within riparian environmentally sensitive habitat area (ESHA). This unpermitted development likely contributes to degraded water quality at Heal the Bay's downstream monitoring sites. Monitoring conducted by our Stream Team has indicated periodic exceedances of *E. Coli* and high levels of algae.

Futhermore, under the Malibu-Santa Monica Mountains Land Use Plan, Stokes Canyon Creek and its associated riparian canopy are designated as inland ESHA. The Land Use Plan specifically requires a minimum setback of 100 feet from all designated ESHA and prohibits alteration of streambeds in ESHA. If the Coastal Commission were to approve this application, with development located within the 100 foot ESHA designation, it would be in violation of each of these provisions of the Land Use Plan. No exception to these policies should be allowed for the Malibu Valley Farms facility.

Request for approval of these unpermitted developments has come before the Coastal Commission numerous times before, and the Commission continues to find it inconsistent with Coastal Act requirements to protect ESHA, stream, and water quality. We urge the Commission to remain consistent with its previous determinations and deny this application. I have attached a copy of a more detailed comment letter we submitted in August 2006 regarding the environmental impacts of the unpermitted development at this site. Please contact us if you have any questions regarding these comments at 310.451.1500.

Sincerely,


Sarah Abramson, MESM
Staff Scientist


Mark Gold, D.Env.
President



1444 9th Street
Santa Monica CA 90401

tel 310-461-1600
fax 310-496-1902

info@healthebay.org
www.healthebay.org

Heal the Bay.

August 4, 2006

California Coastal Commission
South Central Coast Area Office
89 South California St., Suite 200
Ventura, CA 93001
Via FAX: 805.

RE: Agenda item W8a; Application Number: 4-02-131

Dear Coastal Commissioners:

On behalf of Heal the Bay, a non-profit environmental group with over 10,000 members dedicated to making Santa Monica Bay and Southern California coastal waters safe and healthy for people and marine life we have reviewed the staff report regarding Malibu Valley Farm's request for after-the-fact approval of its unpermitted development. We *support the staff recommendation to deny this application* as the extent of the unpermitted development at this site is widespread and detrimental to water quality and natural resources. We further *urge the Commission to invoke appropriate penalties and require restoration* for the natural resource damages caused by these unpermitted structures. Our comments are further detailed below.

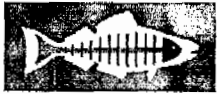
1. The unpermitted development at this site has contributed significantly to the degradation of Stokes Canyon Creek

Heal the Bay's Stream Team has conducted extensive water quality monitoring and habitat mapping throughout the Santa Monica Mountains and has documented many of the violations at the Malibu Valley Farm site (see attached map). The riding arena, corrals, and other unpermitted equestrian facilities are built within sensitive riparian environmentally sensitive habitat area ("ESHA") and severely encroach on Stokes Canyon Creek, an intermittent blue-line stream – in places these structures are less than 10 feet away from the waterbody. Furthermore, unpermitted structures exist within the stream itself. These violations have damaged sensitive riparian ESHA and are likely to have caused the stream bank collapses at this site, which impair water quality by increasing sediment loading to the Creek.

The unpermitted equestrian facilities at this site are also likely to contribute nutrients and bacteria to the Creek. The Stream Team has documented both hay and horse manure floating in Stokes Canyon Creek at the discharge points in the southwest corner of the property. Furthermore, Stokes Canyon Creek has periodically exceeded state freshwater bacterial standards for *E. coli* and has commonly had high amounts of algae at the Stream Team sampling site downstream from this property. This raises reasonable concern that waste and other impacts from the equestrian facilities at this site are having downstream effects. Thus, Malibu Valley Farms should not be issued an after-the-fact permit for these unpermitted developments, and instead should be assigned the appropriate penalties for the violations and restoration requirements for the natural resource damages.

2. The Coastal Commission should invoke appropriate penalties for deterrence and restoration requirements for natural resources damages caused by the unpermitted development

Destroying and/or impacting riparian and in-stream habitat, especially in Southern California, is a significant matter given the importance of riparian habitat to water quality and wildlife. Yet, the staff report does not discuss fines for the unpermitted development or restoration requirements. It does.



1444 9th Street
Santa Monica CA 90401

tel 310-451-1500
fax 310-496-1902

info@healthebay.org
www.healthebay.org

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however, state that the Commission's enforcement division will evaluate further actions to address the unpermitted development at this site, but there is no assurance that these enforcement actions or restoration requirements will be issued. Heal the Bay encourages the Commission to follow through with these actions to ensure that penalties are issued for the violations at this site and Malibu Valley Farms is required to restore the stream bank and adjacent riparian BSHA to natural conditions, including replanting with native riparian species.

The unpermitted development at this site has gone unenforced since the Commission has become aware of the violations (since 1998, and possibly before). This, in essence, has spared the applicant from penalties that deter future violations. Unpermitted development is widespread in the Santa Monica Mountains, and without penalties, there is no mechanism to avert these activities. Fines or fiscal penalties ensure that this type of action, by the applicant and other parties, never happens again. In moving forward with an unpermitted development, Malibu Valley Farms has derived excess benefits (extensive equestrian facilities) without paying the true cost of conducting this business (destroying riparian and in-stream habitat, and the downstream effects from these actions). As such, without any fines levied, the economic benefit enjoyed by the Malibu Valley Farms was at the cost to the general public through the loss of natural resources. Ignorance of the law is no excuse for breaking it, and apologizing for breaking the law is simply not sufficient as adequate admonishment. Therefore, we urge the Commission to require a fine to be paid by the Malibu Valley Farms and issue restoration requirements for this unpermitted development.

3. The Coastal Commission should work to increase enforcement actions and restoration requirements for unpermitted activities

Heal the Bay is very concerned that numerous activities are being conducted within the Coastal Zone without the benefit of permits and that these violations frequently go unenforced. These unpermitted and environmentally damaging projects are being done knowingly and without fear of enforcement. We have seen several unpermitted developments throughout the Santa Monica Mountains that either are currently, or could potentially, degrade water quality and in-stream habitat. In addition, many of these structures are preventing the migration of wildlife, which is highly dependent on riparian corridors for food and movement. We therefore urge the Commission to take action on unpermitted activities in the watershed so that these losses do not continue to occur. Perhaps a public enforcement enhancement workshop, or some other mechanism, should be convened by the Commission to improve enforcement efforts.

We support the Coastal Commission staff recommendation to deny this after-the-fact permit, but encourage the Commission to assign the appropriate penalties and require Malibu Valley Farms to conduct the restorative actions necessary for damaging riparian and in-stream habitat.

Thank you for the opportunity to comment; please contact us if you have any questions at 310.453.0395.

Sincerely,

Sarah Abramson, MESM
Staff Scientist

Mark Gold, D.Env
Executive Director

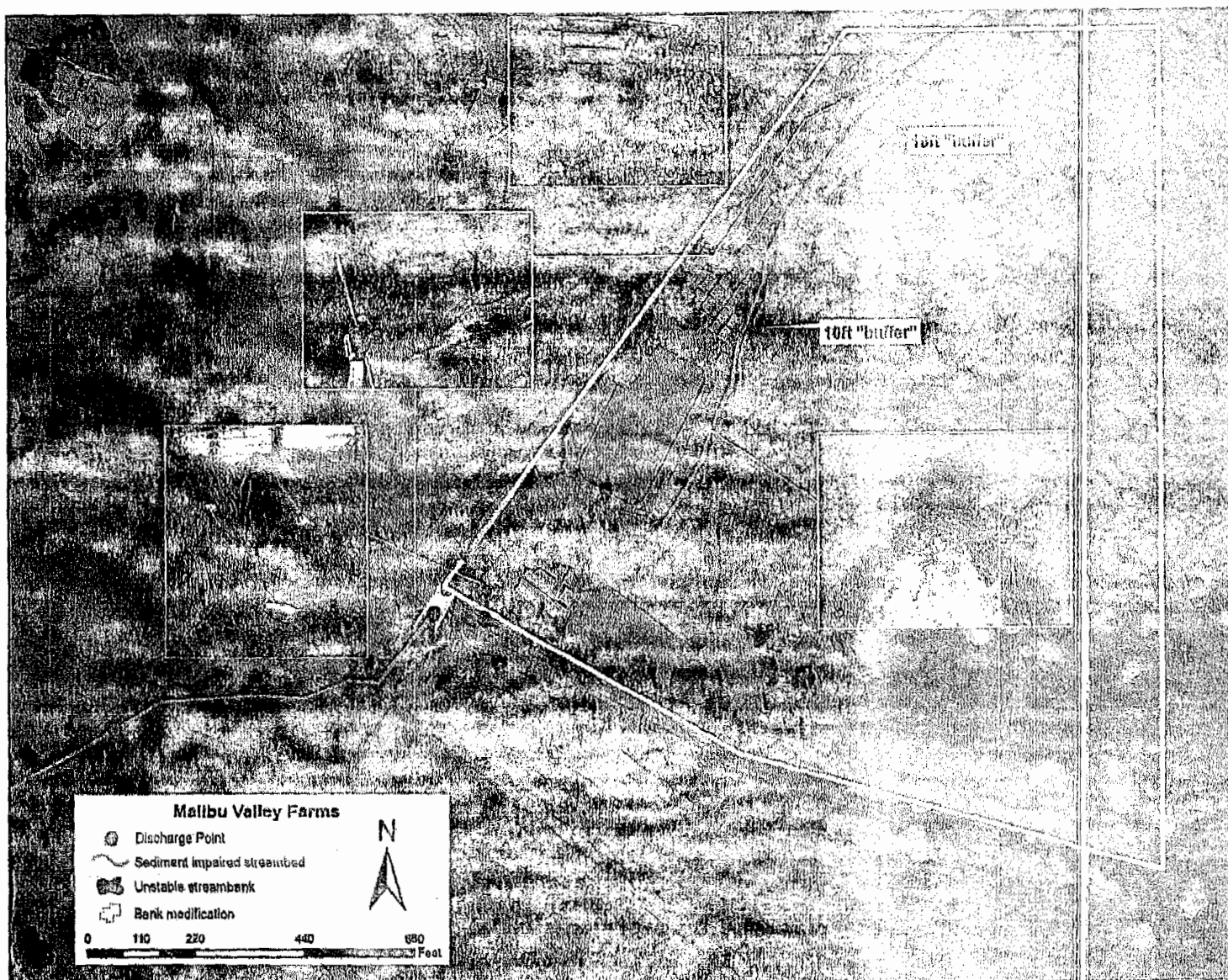


1444 9th Street
Santa Monica CA 90401

tel 310-451-1500
fax 310-496-1902

info@healthebay.org
www.healthebay.org

Heal the Bay.



LAW OFFICES OF
STEVEN C. CAMBERDELLA
CARLTON PLAZA
20750 VENTURA BOULEVARD, SUITE 201
WOODLAND HILLS, CALIFORNIA 91364-8242

TELEPHONE: (818) 397-4295
FACSIMILE: (818) 399-9745
E-MAIL: scamberdella@bri.com

July 5, 2007

VIA FACSIMILE TRANSMISSION, ONLY

CALIFORNIA COASTAL COMMISSION
89 South California Street, Suite 200
Ventura, CA 93001-2801

Attn: Deanna Christenson, Coastal Program Analyst

Re: JULY 9 AGENDA ITEM 13E: MALIBU VALLEY FARMS COASTAL
DEVELOPMENT APPLICATION 4-06-163 - **OPPOSED**

Dear Commissioners:

The undersigned is writing this letter as counsel to Save Open Space, Mary Hubbard, a Calabasas, California resident, and the undersigned, also a Calabasas, California resident, who who are adversely impacted by the application before the Commissioners and who unite in **opposition** to the Malibu Valley Farms Coastal Development Application 4-06-163.

The applicant's County of Los Angeles' approval has apparently expired, according to Ben Saltzman, Zev Yaroslovky's deputy, Gina Natoli, Regional Planning Commission, and Deanna Christenson, Coastal Analyst. The approvals are dated 2-2-04 and 1-27-03 (page 3 of the staff report under "Local Approvals Received"). Consequently, Mr. Boudreaux's approval by the County has expired without extension, and his application before this Commission is not supported by a complete application and approval from the County of Los Angeles.

The commissioners gave applicant 60 days and stated in no uncertain terms this is a firm deadline and requirement to submit a complete CDP application. Applicant has failed to meet this Commission's requirement and the CDP should be denied as moot.

Applicant's Coastal Development Permit application required approvals from the County of Los Angeles, the County of Los Angeles Fire Department, Department of Fish & Game, etc. The applicant submitted only one new approval per year to keep the application alive and claim that the application was "pending," thus preventing the Coastal Commission from commencing an enforcement action. The applicant finally submitted the required paperwork in March, 2007, which is when this honorable Commission moved to agendize the item.

LAW OFFICES OF
STEVEN C. GAMBARDIELLA

CALIFORNIA COASTAL COMMISSION

Re: JULY 9 AGENDA ITEM 13E: MALIBU VALLEY FARMS COASTAL DEVELOPMENT
APPLICATION 4-06-163 - **OPPOSED**

July 5, 2007

page two

On Monday, July 16, 2007, the Coastal Commission will be hearing a CDP application for Malibu Valley Farms, a horse facility operating illegally on the northwest corner of Mulholland Highway and Stokes Canyon Road. The property owner is requesting retroactive approval for buildings erected without a permit for a horse facility.

The undersigned represented the Calabasas resident sued by the applicant in LA Superior Court in 2005 when a ballot argument against a 400,000 square foot convention center proposed by the applicant on property adjacent to the Malibu Valley Farms facility under consideration today. Significant public interests were affected by that application, defeated in the General election in the City of Calabasas, and are significantly affected by the action of the Commissioners in the instant application and, specifically, if minimum setbacks are not enforced as required by law.

There are many compelling legal arguments for denying the application and none for approving it or granting anything less than the 100-foot stream setback as required by law. The staff report details those reasons and we fully concur with everything presented therein.

There are no findings in support of any variance from the minimum 100-foot stream setback requirement which have been identified by the Coastal Commission or any other public resource management agency, and we trust and request that the commission uphold the minimum standards required by law and vote to deny the application.

We further concur with the comments provided by Heal the Bay in their letter of 2006 that the Coastal Commission should act swiftly to enforce the law by imposing fines to remedy past abuses and prevent further abuses from the applicant. The applicant should, in fact, have been required to bring his operations into compliance with the law before having the Commission consider a Coastal Development Permit application. Instead, the applicant continues to defy the law by housing horses in structures that are not permitted under the law, otherwise regarded as "unclean hands", and not deserving of special consideration.

The applicant should not be exempted from the standards to which everyone else is held. The purpose for the rule requiring a 100-foot setback is to protect water quality and riparian habitat in sensitive areas. It applies to all structures. It applies to all property owners. It would be precedent-setting to retroactively permit a facility that has been under notices of violations from the County of Los Angeles and the California Coastal Commission for years.

LAW OFFICES OF
STEVEN C. GAMBARDIELLA

CALIFORNIA COASTAL COMMISSION

Re: JULY 9 AGENDA ITEM 13E: MALIBU VALLEY FARMS COASTAL DEVELOPMENT
APPLICATION 4-06-163 - OPPOSED

July 5, 2007

page three

Although the applicant is trying to steer the water quality issue into an equestrian issue, this is not about horses. It is about water quality. Viable alternatives exist. Applicant needs only to move the horses away from the stream to another area of the property or to one of his many other properties. No one is trying to shut down his operations or make it impossible to keep horses in the Santa Monica Mountains.

By appearance, some Coastal Commissioners were influenced by emotional appeals of equestrians who were bussed in at the applicant's expense to the November Coastal Commission hearing in which the property owner tried unsuccessfully to get a vested rights claim approved. To those commissioners who indicated a disposition to support a CDF application approving a 50-foot setback, instead of the required 100-foot setback, we request express statement of findings on the the record concerning the factual basis for such an allowance, distinct and apart from the desire to satisfy emotional appeals. This record would possibly satisfy the foundation for a legal challenge to the propriety of a biased, non-fact based vote if the permit is approved or a variance granted.

Moreover, evidence in the record in the form of testimony about the "service to the community" provided by Malibu Valley Farms, including disputed claims that the applicant regularly hosts disadvantaged urban children, should be disregarded in the Commissioner's deliberations in light of the fact that the operations are not currently permitted on the property. Alternatively, Commissioners should require the applicant to document the dates and number of people served, which might then be useful in enforcement proceedings for non-conforming uses and activities, not to mention an effort to mislead the Commissioners as to the true nature and purposes of this property. Those in support of the applicant who can testify to the use of the premises should be questioned about what part of the "community" they allegedly represent...or whether they were and are located geographically remote and simply responding to a call for letters from the Recreation and Equestrian Coalition in its attempt to justify the variance sought in this application.

Public agencies, local governments, and nonprofit groups have been working diligently to clean up the nonpoint source pollution in the Malibu Creek Watershed and have invested millions of dollars and hundreds of hours of labor into that effort. To undermine their efforts and the law that provides the first level of protection by allowing a known source of contamination to operate on a blue-line stream would be a setback to progress toward our mutual goal and at odd with protection of the public trust.

LAW OFFICES OF
STEVEN C. GAMBARDELLA

CALIFORNIA COASTAL COMMISSION

Re: JULY 9 AGENDA ITEM 13E: MALIBU VALLEY FARMS COASTAL DEVELOPMENT
APPLICATION 4-06-163 - **OPPOSED**


July 5, 2007

page four

Please fulfill the public trust for which your organization is responsible by voting to deny the Malibu Valley Farms Coastal Development Permit application and proceeding with all haste to enforce the law.

With kind regards,

LAW OFFICES OF STEVEN C. GAMBARDELLA



Steven C. Gambardella



DANIEL C. PREECE
Executive Officer

RESOURCE CONSERVATION DISTRICT
OF THE
SANTA MONICA MOUNTAINS

30000 MULHOLLAND HIGHWAY, AGOURA HILLS, CALIFORNIA 91301
MAIL: P.O. BOX 638, AGOURA HILLS, CALIFORNIA 91376-0638
(818) 597-8627 FAX (818) 597-8630

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July 5, 2007

California Coastal Commission
South Central Coast Area
89 S. California Street, Suite 200
Ventura, CA 93001
ATTN: Diana Christensen
BY USPS regular post and FACSIMILE (805) 641-1732

RE: M 13e, 4-06-163, Malibu Valley Farms, Inc.

Dear Ms. Christensen,

The Resource Conservation District of the Santa Monica Mountains supports the staff recommendation of DENIAL for the above referenced project.

We strongly recommend that no variances be granted for this project based on the California Coastal Commission policies and Land Use Plan ordinances cited in the STAFF REPORT dated 6/21/2007. The minimum setback of 100 ft from designated Environmentally Sensitive Habitat Areas should be enforced to prevent further degradation of habitat and water quality in Stokes Canyon Creek thus Malibu Creek and the Santa Monica Bay.

Very Truly Yours,

A handwritten signature in dark ink, appearing to read 'Stevie Adams', with a stylized, flowing script.

Stevie Adams
Conservation Biologist

5860 Belbert Circle,
Calabasas, CA 91302
July 2, 2007

Deanna Christensen
California Coastal Commission
89 South California Street, Suite 200
Ventura, CA 93001

Re: Permit No. 4-06-163 (Malibu Valley Farms)

Dear Ms. Christensen,

I am familiar with this project and site. A few years ago this property applied for annexation to the City of Calabasas. In my capacity as a City Planning Commissioner, I examined the project site at that time, and have viewed it on several occasions since.

I am in sympathy with the desire of members of the equestrian community – many of whom I count among my friends – to have a local equestrian facility, but I have to agree strongly with the staff recommendation that it should not be located on the proposed site because of its close proximity to Stokes Creek and its ESHA.

This ESHA has been degraded by past uses and road construction, but the riparian vegetation is recovering, especially in the southern part of the site.

In my 40-year observation of streams in this area, willows are commonly degraded and consumed by prolonged grazing, but they come back to impressive willow riparian forests within a few years after grazing ends.

There is another good reason for following the staff recommendation and setting this facility well back from the stream. Runoff into Stokes Creek from this project, would, upon leaving the site, immediately enter almost seven miles of protected streams – possibly the longest stretch of protected coastal stream south of Big Sur – passing through the use areas of four state park lands and two Salvation Army camps, and ending up at Malibu Lagoon/ Surfrider State Beach.

Immediately downstream from the proposed equestrian site is a brand new park – the 588-acre site of the former “Soka University”, purchased by a consortium of National Park Service, State Parks, and the Santa Monica Mountains Conservancy in 2005 and opened to the public this last weekend. Stokes Creek flows right through the heart of the main public use area of this new park, which is expected to become the main visitor center and staging area for state and federal parks in the Santa Monica Mountains.

Immediately downstream from this new park Stokes Creek enters 7000-acre Malibu Creek State Park, where it again passes through the main public use area between the campground and the main parking lot to join Las Virgenes Creek in an area which is a popular "swimming hole" in summer.

Las Virgenes Creek then joins Malibu Creek and enters the upper reaches of Malibu Canyon. Here it is directly adjacent to two Salvation Army camps serving underprivileged urban children. Further on is heavily used Tapia Park, now a subunit of Malibu Creek State Park. From this point on through 1500-1800'-deep Malibu Canyon, the stream is part of Malibu Creek State Park, and is a favorite location for informal picnicking by families who drive out from the City.

At the mouth of Malibu Canyon is Malibu Lagoon and Surfrider State Beach, both very heavily used. Children play in the creek as it flows across the beach from the lagoon into the ocean, and I have even seen them lie down in it facing upstream with their mouths open! Offshore is a popular surfing spot.

In short, Many people could come in contact with pollutants from 4-08-163 as the creek makes its long journey through seven miles of public parkland to the ocean. Setting the facility well back from the stream could minimize the risk of pollutants finding their way into coastal waters. Allowing the willow riparian ESHA to recover could help filter any pollutants that did find their way to the creek.

If this project is set back the full 100' from the outer edge of the riparian ESHA, it will bring it into conformity with Sections 30240(b) and 30231 of the Coastal Act (see pages 18 and 19 of the Staff Report) and in conformity with both the adopted LUP, and the Draft LCP - which the Los Angeles County Board of Supervisors will be hearing in late October.

Staff has done a very thorough job on page 23 of the Staff Report of identifying several alternative sites on the applicant's property where the proposed equestrian facility could be built in conformity with Sections 30240(b) and 30231 of the Coastal Act. I am familiar with those sites; they are large, level or gently sloping meadows partly in but mostly outside the Coastal Zone, that are presently being used to pasture horses. They are well away from any stream or riparian ESHA or any private homes.

I urge the Commission to deny the present application, but to urge staff to work with the applicant to bring in a revised project on one of the alternative sites. I would, with pleasure, support such a project.

Sincerely,


David M. Brown

July 2, 2007

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JUL 05 2007

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

To; Deanna Christensen

From: David M. Brown

Re: Permit Application 4-06-163 (Malibu Valley Farms)

Following up on our earlier phone conversation regarding the opening of the former Soka University property – now known as “King Gillette Ranch” – as a combined state and federal park immediately downstream from the proposed site of 4-06-163, I am enclosing my somewhat worn copy of the program of coming events given me when I attended the opening of “King Gillette Ranch” Park last Sunday.

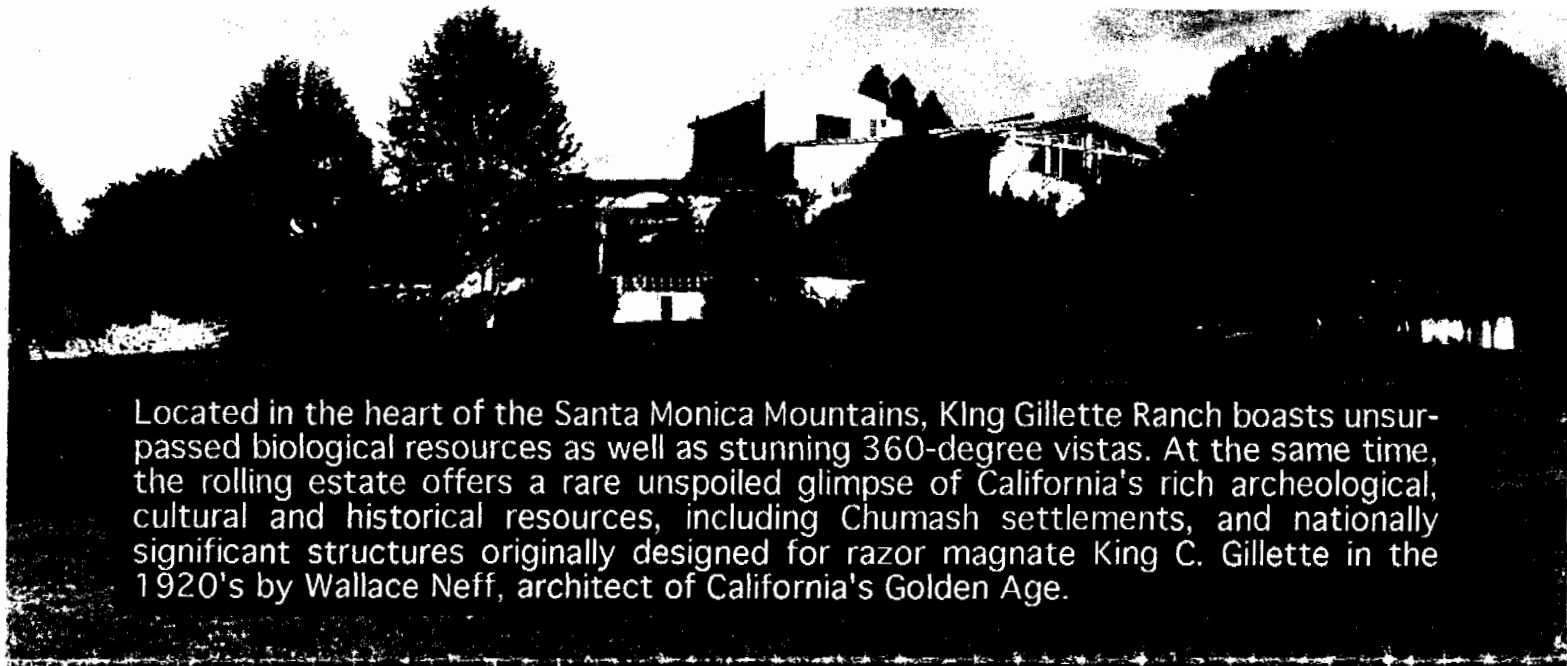
(The MRCA is a joint powers agency which administers the portion of the former Soka property acquired by the Santa Monica Mountains Conservancy in 2005. Other portions of the property belong to the National Park Service and the California Department of Parks and Recreation; all are to be administered jointly as a single public park.)

For more information on planned park uses in the former campus area immediately downstream from 4-06-163, contact Conservancy Deputy Director Rorie Skei at (310) 589-3200 x 112 or skei@smmc.ca.gov.

I’m also enclosing a map of King Gillette Ranch in relation to 4-06-163 and the course of Stokes Creek through public use areas of this new park.

I’m also enclosing pages of the Draft L.A. County LCP dealing with equestrian uses and water quality. These are to come before the Supervisors for adoption in October.

David M. Brown



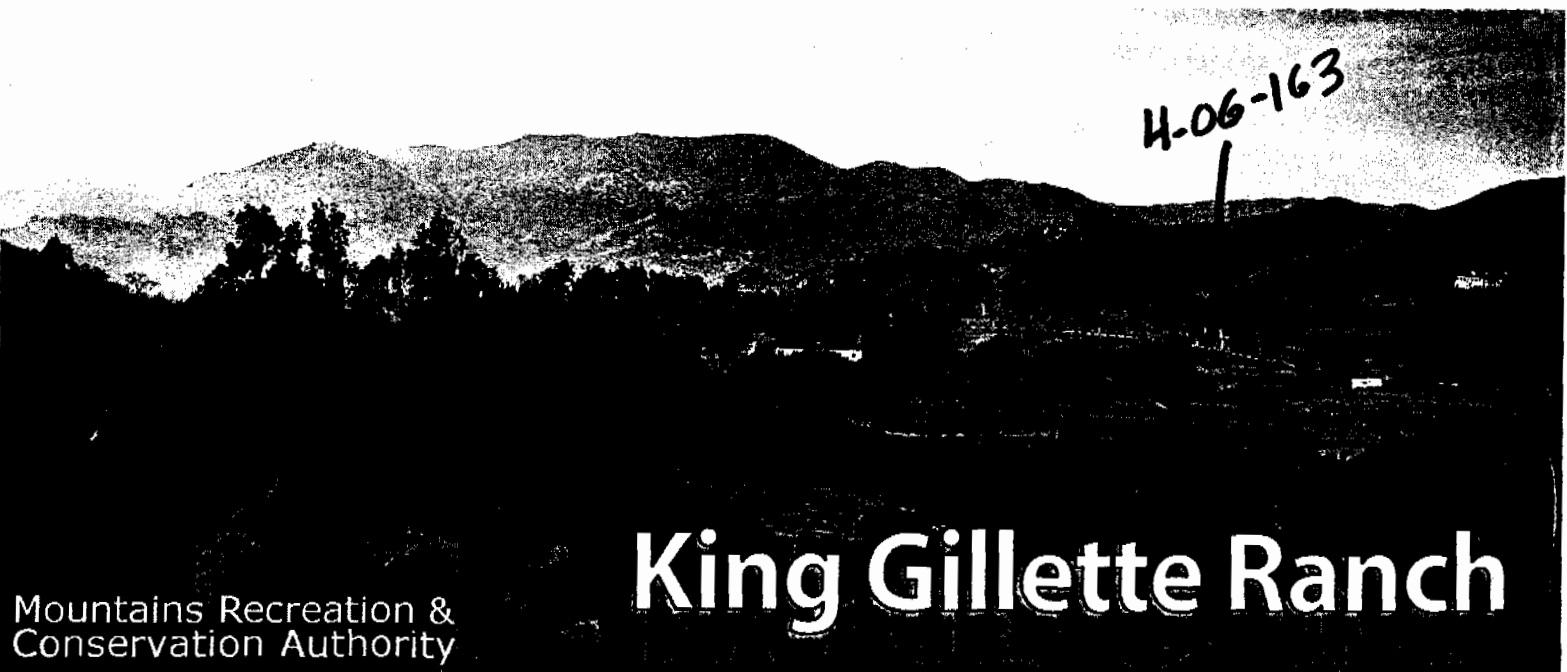
Located in the heart of the Santa Monica Mountains, King Gillette Ranch boasts unsurpassed biological resources as well as stunning 360-degree vistas. At the same time, the rolling estate offers a rare unspoiled glimpse of California's rich archeological, cultural and historical resources, including Chumash settlements, and nationally significant structures originally designed for razor magnate King C. Gillette in the 1920's by Wallace Neff, architect of California's Golden Age.

MRCA

Mountains Recreation &
Conservation Authority
2600 Franklin Canyon Drive
Beverly Hills, CA 90210

King Gillette Ranch*
INAUGURAL SUMMER

* FORMERLY "SOKA UNIVERSITY"



4-06-163

King Gillette Ranch

Mountains Recreation &
Conservation Authority

4-06-163

STATE + FEDERAL PARKS → STOKES CREEK O'NEAL

Coastal Zone Boundary

PARK
~~State University~~ Boundary - 588 Acres



STATE OF CALIFORNIA, THE ATTORNEY GENERAL
SANTA MONICA MOUNTAINS CONSERVANCY
1700 LAMAR STREET, SUITE 100
SANTA MONICA, CALIFORNIA 90401

The following letter was
submitted along with identical
letters from 19 other parties

RECEIVED
JUL 05 2007

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

July 4, 2007

Dear Coastal Commission:

Please do not grant Malibu Valley Farms a Coastal Development Permit for anything less than the full 100-foot stream setback required by law.

Malibu Valley Farms is an intensive commercial horse-boarding facility that has been operating illegally for years. The developer has repeatedly misrepresented his operations on the site and should not be rewarded with a variance of setback that would allow anything less than full compliance with the law requiring a 100-foot setback.

Although he owns hundreds of acres of property in the area and can potentially move the facility to a site that is not on a stream or in the Coastal Zone, the developer has continued to operate the illegal facility for years.

The purpose for the setback in sensitive areas. Mr. Boudrea is trying to obfuscate the issue by trying to steer it into an equestrian issue in much the same way that he tried to disguise a proposal for a 400,000 square foot convention center until local residents showed that there were no equestrian facilities planned other than the current already-operating, but unpermitted facility.

Public agencies, local governments, and nonprofit groups have been working very hard to clean up the nonpoint source pollution in the Malibu Canyon Watershed and have invested millions of dollars of public and private money and thousands of hours of labor into that effort. To undermine their efforts and the law that provides the first level of protection by allowing a known source of contamination to operate on a blue line stream would be a very unfortunate setback to progress toward our mutual goal and a mockery of the system that is supposed to achieve it.

Please uphold the public trust and by providing the maximum protection for our coastal waters.

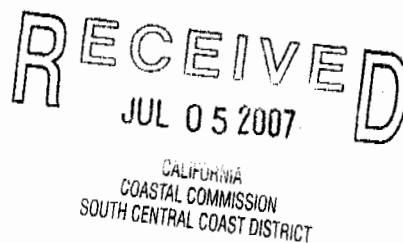
Sincerely,

Dale La Groth
26005 MC HOLLAND HWY
CALABASAS CA 91302
DALE LA GROTH

RUTH GERSON P.O. BOX 787 AGOURA, CA 91376

July 3, 2007

California Coastal Commission
89 S. California St #200
Ventura, CA 93001-2801
Fax: 805-641-1732



RE: Malibu Valley Farms Equestrian Center File # 4-06-163

I urge you to APPROVE the Coastal Development Application No. 4-06-163.

With irrefutable science showing that the mitigation plan proposed will handle all concerns of run-off from the farm into the creek, there is sound and logical reasoning to approve the application.

This equestrian facility is a model that should be publicized for others to learn how to address concerns of manure waste and water run-off. Malibu Valley Farms is a community asset that has gone beyond the average means to protect the environment. They have not only handled the important concerns, but at the same time they have developed the farm into a beautiful eye-catching property that stands out as a landmark in the Santa Monica Mountains.

How worthwhile to showcase a working Thoroughbred Horse farm for all the public to visit and enjoy within the Coastal boundary. Since part of the mission of the Coastal Commission is to preserve, and since so many coastal farms and ranches have been developed for housing, there is no better horse farm to use as a preserved resource than Malibu Valley Farms.

Thank you for considering the support of this facility.

Sincerely,

A handwritten signature in cursive script that reads "Ruth Gerson".

Ruth Gerson

Cc: Malibu Valley Farms

Exhibit 29
4-06-163
Correspondence-
In support of project

David Watkins
2335 Archwood Lane #139
Simi Valley, CA 93063

RECEIVED
JUL 02 2007

OFFICE OF THE
CALIFORNIA COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

June 29, 2007

RE: File # 4-06-163

California Coastal Commission
89 South California Street, Suite 200
Ventura, CA 93001-2801

Dear California Coastal Commission:

I am a Simi Valley resident that enjoys our beautiful coast and admire the Commissions work to keep it that way.

Regarding the dispute at *Malibu Valley Farms*, I feel there should be an exception made to keep the existing structures.

The farm is of vital importance in the area as far as horse evacuation and their work with inner city children is invaluable.

I respect your regulations and thank you for keeping our coast pristine. The folks at the farm agree with this and have had well testing done to make sure the creek bed is safe. All tests comply, so please rescind the order to dismantle any structures realizing that the goal of a clean environment is embraced by both parties.

Thank-you,

David Watkins



california dressage society

June 27, 2007

California Coastal Commission
89 South California Street, Suite 200
Ventura, CA 93001

RECEIVED
JUL 02 2007

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Re: File number 4-06-163 Malibu Valley Farms

Dear Commissioners:

The California Dressage Society, with membership of more than 5,000 throughout California, has a mission to foster interest and participation in the sport of dressage and, more generally, to support the continuing existence and growth of equine activities.

Many of our members participate in a variety of equine activities in addition to dressage competitions. Unfortunately, we continue to witness increasing pressure to limit or eliminate access to equine-related recreational opportunities in California: access to park and trail systems, which have welcomed riders for years, is being cut off or significantly curtailed; zoning changes are resulting in the closure of long-standing facilities that have served the public and allowed people to experience one of the few remaining vestiges of life before motorized transportation.

The current controversy over the closure of Malibu Valley Farms is emblematic of this trend, although similar situations are occurring throughout the state. There is no good reason why equine facilities and equine activities cannot continue to coexist with other uses as they have for years. Recent scientific research indicates that well managed equine operations do not result in significant environmental hazards and the methods for minimizing environmental impacts are well known and accepted throughout the industry.

In that the California horse industry produces services and goods in excess of \$4.1 billion and more than 54,000 full time employment positions, where more than 300,000 Californians are involved as owners, service providers, employees and volunteers with an uncountable number as spectators, where more than 698,000 horses live in California and more than 70% of those horses are used for showing and recreation it would seem that the Coastal Commission would consider ways to incorporate all remaining facilities and the activities they provide into the overall recreational plan, rather than arbitrarily destroy public access to this wonderful recreational opportunity.

Sincerely,

Carolyn Tice, President
California Dressage Society

cc: Donegal Group

22230-4 James Wan Wille
Chatsworth, CA 91311

page 1/0

June 30, 2007

California Coastal Commission
89 So. California St., Suite 200
Ventura, CA 93001-2801

RECEIVED
JUL 02 2007

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Re: FILE 4-06-163

I am writing to urge you to support Malibu Valley Farms and to allow it to continue operating.

During the July, 2003 firestorm, my friend's horse was evacuated to safety from Equestrian Performance Center in Moorpark to Malibu Valley Farms. The Ventura County Fairgrounds were completely full and because of Malibu Valley Farms her horse had a safe place to live until it could return to Moorpark.

Please do not take action to disallow its permit to operate. There are already so few areas for horses and riding in the Los Angeles and surrounding areas.

We are so thankful for Malibu Valley Farms and the services they have provided for so many years to the Equestrian Community.

770-970-9169

Thank you for a favorable decision
to keep Malibu Valley Farms in
operation.

Sincerely,

Suzanne J. Barger
22230-4 James Alan Circle
Chatsworth, CA 91311
818-970-9169
suzanne-barger@email.com

cc: Beth Palmer
Malibu Valley Farms

5159 Crown Ave.
La Canada, CA 91011
July 5, 2007

RECEIVED

JUL 05 2007

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Mr. Jack Ainsworth,
Deputy Director
California Coastal Commission
89 South California St, Suite 200
Ventura, CA 93001-2801

RE: Malibu Valley Farms Equestrian Center
File Number 4-06-163

Dear Mr. Ainsworth:

Unfortunately I will be unable to attend the July 9 Coastal Commission hearing concerning Malibu Valley Farms Equestrian Center because of a scheduling conflict. Were I able to attend, I would strongly urge the Commission to allow the farm and all of its improvements to remain.

I understand that the farm cannot meet the 100 foot setback from the creek, although a mitigation plan has been implemented which has won awards from Los Angeles County for water quality best management practices. The plan includes a vegetated buffer and vegetative bio-swale that runs the length of the creek. The farm is also proposing that all their structures have roofs with downspouts and gutters to collect rainwater and direct it to the creek via underground pipes so that it never comes in contact with the ground.

After following this situation carefully, I can only conclude that the intent of the Commission is not only to protect water quality, which Malibu Valley Farms has addressed thoroughly, but rather to remove horses from this property no matter how adequate the proposed mitigation. This is of great concern to the larger equestrian community because we are seeing repeated attempts to drive horses out of California based upon unsubstantiated concerns about pollution. The horse community which numbers over 150,000 owners of almost 700,000 horses in California is becoming increasingly alarmed by such blatant attempts to deny residents the opportunity to enjoy their historic recreational pursuits. We are becoming energized to fight for our rights and are joining together to meet this challenge which only begins with Malibu Valley Farms.

For the past 10 years, I have worked as a dedicated volunteer for environmental causes and have given generously to environmental organizations. I understand how crucially important it is to protect our water supplies. I also believe, however, that the time has come to bring some balance and common sense to the debate. Water quality goals can be achieved without

destroying historic recreational opportunities for the residents of Los Angeles County. This is especially important where Malibu Valley Farms is concerned because they have been very generous in making their beautiful property available to other equestrian groups, including the Compton Junior Posse, a riding program for disadvantaged inner city youth.

As an equestrian and an environmentalist, I know these two groups should be natural allies – not antagonists. I would ask the Commission to move beyond extremist positions and find the common ground where we can all work together for the benefit of our magnificent California environment.

Thank you for your time.

Sincerely,

Mary E. Barrie

Mary E. Barrie

Nature Conservancy, Sierra Club, Natural Resources Defense Council member and life-long equestrian

Cc: California Coastal Commission, Legislative Liaison
Malibu Valley Farms Equestrian Center
Governor Arnold Schwarzenegger
Supervisor Mike Antonovich, Los Angeles County
California Assemblymember Julia Brownley
John Keyes, California Equestrian Trails and Lands Coalition
Lynn Brown, Trails Coordinator, Equestrian Trails, Inc.
Ruth Gerson, Recreation and Equestrian Coalition
Mary Benson, Los Angeles Trails Project
Randy Strapazon, La Canada Flintridge Trails Council
Equestrian News

CHEONG, DENOVE, ROWELL & BENNETT

A LAW PARTNERSHIP OF PROFESSIONAL CORPORATIONS

10100 SANTA MONICA BOULEVARD

SUITE 2400

LOS ANGELES, CALIFORNIA 90087

(310) 277-4857

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A PROFESSIONAL CORPORATION
WILLIE CHEONG
JOHN F. DENOVE
MARY M. BENNETT

JOHN D. ROWELL
A PROFESSIONAL CORPORATION

STEVEN R. VARTAZARIAN
WILLIAM M. KARNIS

TELEPHONE:
(310) 277-4857

RECEIVED
JUL 02 2007

June 29, 2007

VIA FAX: (805) 641-1732

California Coastal Commission
89 South California Street, Suite 200
Ventura, CA 93001-2801

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

RE: Malibu Valley Farms Equestrian Center
File Number: V-4-06-163

Dear Commissioners:

We are writing to show our support for Malibu Valley Farms and its application for a Coastal Development Permit application on July 9th. I have been to Malibu Valley Farms many times over the years and am thankful to the Boudreau Family for opening their farm up to our family and the public in general. Without this farm, people would not be able to access the horse trails within the Santa Monica Mountains National Recreation Area. It is only with the continued generosity of this family that many people in the area are able to access these trails.

Malibu Valley Farms has been in existence for over 30 years and is an invaluable asset to the entire community. They have never turned away a horse in a time of need. There is no other facility in our area that provides so much to our community and without it we will feel a huge loss if this farm no longer exists.

Please do not take this farm away from our community. Please show the residents that you support equestrian uses and activities by approving their application for a Coastal Development Permit.

Thank you for your consideration.

Sincerely,


Jack and Mary Denove

cc: Malibu Valley Farms (via fax: (818) 880-5414)

RECEIVED
JUN 28 2007

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

June 26, 2007

To Whom It May Concern in the
California Coastal Commission —

Re: 4-06-163

I pray you will look into your hearts
and NOT ruin yet another beautiful
piece of property, Orange County and
Riverside County. Keep trying this insane
and greedy action. I have no idea what
you intend to do with this land but I
know for sure it will not be what's
good ^{for} people, Mother Earth, children and
animals.

This farm offers children events,
equestrian events, a safe place for horses
& such in emergencies, open space and
a place to escape the "stress" of our
society. I live in "Horsetown USA" and
and the children here (who are involved
with horses and/or livestock) aren't seen
in gangs or on corners. They are learning
about life. I have a sign that says -
"Therapy in Session - Gone Riding".

I beg you to not take this land away
from the farm and issue that permit
in July.

(over)

Page 2

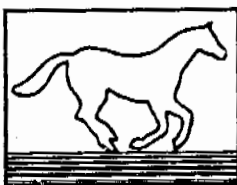
In fact, I ask you to be bigger
than the greedy people and search your
souls and give this farm what it
should have - permits forever or until
they decide not to continue, as long as
what they do is "up to par", how can
you take this "piece of heaven" away!

Please Please rethink this !!!

Thank you.!

Joyce Goodman
3451 Corona Ave.
Norco, Calif. 92860

copy to - Malibu Valley Farms



ROBERT M. MILLER, D.V.M.
320 E. Carlisle Road
Thousand Oaks, CA 91361
(805) 495-7764

RECEIVED
JUN 28 2007

COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

June 26, 2007

California Coastal Commission
89 S. California Street
Suite 200
Ventura, CA 93001-2801
To Whom It May Concern:

I am writing regarding Malibu Valley Farms Equestrian Center, File Number 4-06-163.

I am now retired but, for many years I was th veterinarian for Malibu Valley Farms.

In my entire career, which began in 1956, I never experienced a more conscientious, efficient, and well-managed equestrian facility than Malibu Valley Farms.

Their care for their horses, the people involved with them, the environment in which the farm is situated, and their dedication to their community is unmatched. I urge that the Costal Commission approve their coastal development application #4-06-163.

This farm serves as a model for all other equestrian facilities.

Respectfully,

R.M. Miller DVM

RMM/dmw

RECEIVED
JUN 27 2007

June 26, 2007

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Karen van Hoepen
2938 1/2 Triunfo Canyon Road
Agoura, CA 91301

VIA FAX: (805) 641-1732

California Coastal Commission
89 South California Street, Suite 200
Ventura, CA 93001-2801

RE: **Malibu Valley Farms Equestrian Center**
File Number: 4-06-163

To Whom It May Concern:

I am writing this letter to show my support for Malibu Valley Farms and to urge the Coastal Commission to approve their Coastal Development Application No. 4-06-163. This farm has been a part of the community for over 25 years.

I have had the privilege to be part of the farm on and off for the last 10 years. When my horse arrived in the USA from Holland 10 years ago she went to Malibu Valley Farms. This is when I first came to know the wonderful people that operate the farm. Ten years later I brought my mare back after a successful show career to have her 1st baby at MVF. This farm is the only farm in the surrounding area that made it possible for me to be a part of the amazing process of birth and the first few hours of a foal's life. The closest farms around are in the Santa Inez area. Without MVF I would have had no choice and would have had the mare have her baby at one of the breeding farms in Santa Inez. Due to everyday commitments and work responsibilities I would never have been able to witness the first few steps my little filly took. Due to time restraints and distance I would have missed the crucial first moments of the filly's life. Instead I was able to be part of the actual birth and was able to handle the baby from birth which is extremely beneficial for later training. Without MVF I would not have had this experience.

Mark Cardiel, the farm manager and his support staff are incredibly knowledgeable. They were always very helpful and always patiently answered any questions I ever had. In the short time my mare was at MVF, she received the best care possible.

MVF is a facility that is immaculate. It is always maintained and kept clean. I have visited many farms, many are not as neat and tidy as MVF. Mark Cardiel runs a strict schedule and I never found that anything was out of place. The barn area and stalls were always kept extremely clean and fresh. I never witnessed any waste anywhere. Clearly their waste management system is extremely effective. Malibu Valley Farms has proven time and again to be an operation that cares for their facilities, horses, community and the environment by going above and beyond what is required to ensure that there are no issues with waste. They even won the award from Los Angeles County for their Best Management Practices with regards to waste management. The County actually asked for copies of its waste management plan to hand out as an example to other farms seeking permits in LA County. The proposals that MVF presented in its application for a Coastal Development Permit is a 50 - foot set back from the creek and a water run-off

mitigation plan. I have no doubt that their proposals will be very effective and will more than address any concerns the Commission has with run off.

I know that besides the horses MVF has hosted local HTI Corral and children events. They do not charge the community or groups for any events that they host. There are few farms in the area that can provide such a wonderful opportunity for children to learn and there is no other facility in the area that provides so much to the community, it would be a huge loss if this farm no longer exists.

MVF has also provided an evacuation site for horses during fires and floods. They have never turned away a horse in a time of need.

Malibu Valley Farms is also a very important asset to its surrounding community. This farm cares about the environment and is proposing a very environmentally friendly plan as a solution to keeping both the farm and environment in the best condition possible. Please do not take this farm away from our community. Show the residents that you support equestrian uses and activities by allowing this farm to remain because without it, the equestrian community will lose a valuable asset and suffer for it.

I personally would be extremely sad if Malibu Valley Farms would not be allowed to remain.

Thank you for your consideration.

Sincerely,



Karen van Hoepen

cc: Malibu Valley Farms (via fax: (818) 880-5414)

5159 Crown Ave.
La Canada, CA 91011
July 5, 2007

Mr. Jack Ainsworth,
Deputy Director
California Coastal Commission
89 South California St, Suite 200
Ventura, CA 93001-2801

RE: Malibu Valley Farms Equestrian Center
File Number 4-06-163

Dear Mr. Ainsworth:

Unfortunately I will be unable to attend the July 9 Coastal Commission hearing concerning Malibu Valley Farms Equestrian Center because of a scheduling conflict. Were I able to attend, I would strongly urge the Commission to allow the farm and all of its improvements to remain.

I understand that the farm cannot meet the 100 foot setback from the creek, although a mitigation plan has been implemented which has won awards from Los Angeles County for water quality best management practices. The plan includes a vegetated buffer and vegetative bio-swale that runs the length of the creek. The farm is also proposing that all their structures have roofs with downspouts and gutters to collect rainwater and direct it to the creek via underground pipes so that it never comes in contact with the ground.

After following this situation carefully, I can only conclude that the intent of the Commission is not only to protect water quality, which Malibu Valley Farms has addressed thoroughly, but rather to remove horses from this property no matter how adequate the proposed mitigation. This is of great concern to the larger equestrian community because we are seeing repeated attempts to drive horses out of California based upon unsubstantiated concerns about pollution. The horse community which numbers over 150,000 owners of almost 700,000 horses in California is becoming increasingly alarmed by such blatant attempts to deny residents the opportunity to enjoy their historic recreational pursuits. We are becoming energized to fight for our rights and are joining together to meet this challenge which only begins with Malibu Valley Farms.

For the past 10 years, I have worked as a dedicated volunteer for environmental causes and have given generously to environmental organizations. I understand how crucially important it is to protect our water supplies. I also believe, however, that the time has come to bring some balance and common sense to the debate. Water quality goals can be achieved without

destroying historic recreational opportunities for the residents of Los Angeles County. This is especially important where Malibu Valley Farms is concerned because they have been very generous in making their beautiful property available to other equestrian groups, including the Compton Junior Posse, a riding program for disadvantaged inner city youth.

As an equestrian and an environmentalist, I know these two groups should be natural allies – not antagonists. I would ask the Commission to move beyond extremist positions and find the common ground where we can all work together for the benefit of our magnificent California environment.

Thank you for your time.

Sincerely,

Mary E. Barrie

Mary E. Barrie

Nature Conservancy, Sierra Club, Natural Resources Defense Council member and life-long equestrian

Cc: California Coastal Commission, Legislative Liaison
Malibu Valley Farms Equestrian Center
Governor Arnold Schwarzenegger
Supervisor Mike Antonovich, Los Angeles County
California Assemblymember Julia Brownley
John Keyes, California Equestrian Trails and Lands Coalition
Lynn Brown, Trails Coordinator, Equestrian Trails, Inc.
Ruth Gerson, Recreation and Equestrian Coalition
Mary Benson, Los Angeles Trails Project
Randy Strapazon, La Canada Flintridge Trails Council
Equestrian News

D. Michael Lyden

2136 Brownstone Creek Avenue, Simi Valley, California 93063 (805) 526-3886

July 5, 2007

California Coastal Commission
89 S. California St, Ste 200
Ventura, CA 93001

By Fax Only: 805-641-1732

Re: Malibu Valley Farms Equestrian Center
File No: 4-06-163
Hearing Date: 7/09/07 - SLO

To The Commission,

I am again writing to the Commission on behalf of *Malibu Valley Farms*. I am an attorney and I have had the opportunity to ride horses for recreation since I was age 14. A few years ago I had the good fortune to board my horse for five years at *Malibu Valley Farms*. I had to move away when the County of Los Angeles ordered the boarded horses off the property.

Over the many years I have had exposure to many properties where private horses have been boarded for individual owners. During my time at *Malibu Valley Farms* I came to know the property and the staff well. Truly, the owners and staff have always maintained the property in an excellent, clean and healthful manner. All horses under their care have been treated very well. The Farm has been opened for community affairs and for emergency situations, essentially during fires which ravage the area all too frequently. I have always felt that they have acted as true stewards of the land.

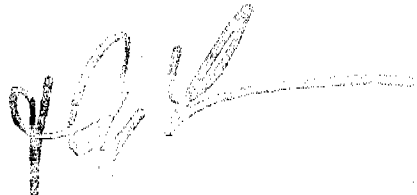
The last I read was that there are 900,000 horses in California second only to Texas with 1,000,000. These horses are used for many varied purposes with individual owners riding recreationally the largest single group. We need places to keep our animals with access to suitable riding areas. *Malibu Valley Farms* is quite close to *Malibu Creek State Park* and when I boarded at the Farm I rode in that Park 8 to 10 times a month. By my estimate there are very few locations in the vicinity of the Park capable of caring for more than a few animals.

As one reads the horse publications it seems that many horse facilities and horse suitable areas are under attack by various public agencies. The reasons for this are not readily apparent. I hope that circumstances will permit me to attend the Hearing now scheduled for 7/9/07 in San Luis Obispo. I do hope the Commission will give consideration to the nature of this facility, the service it provides to the community, and what affect its total removal will have on the horse community locally and at large.

Thank you for your consideration.

Very truly yours,

D. Michael Lyden



Bernard Katzman

Attorney at Law

19744 Beach Blvd. #307

Huntington Beach, CA 92648

(310) 507-3830

Fax (714) 962-2047

July 5, 2007

California Coastal Commission

89 S. California St.

Ventura, CA 93001

RE: Malibu Valley Farms

faxed to 805-641-1732

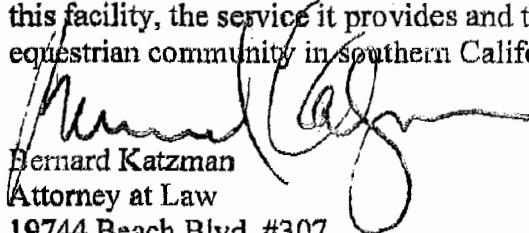
File No: 4-06-163

Hearing: July 09, 2007

To: CCC

Please consider this letter in opposition to your refusing to allow MVF to continue to operate in the way they have for many years. The number of horse facilities in California is lessening as the years go by. As past President of The Cowboy Lawyers, past Captain of the California chapter of the Desert Caballeros and a member of the Empty Saddle Club of Rolling Hills Estates, I have seen an erosion of this western tradition by those who don't care about Equestrian life or haven't learned how much horses are a part of the history of California.

Having ridden all over the state and having actively participated in this form of recreation for the past 15 years, I believe that I am in a position to urge your body to consider the nature of this facility, the service it provides and the effect it's total removal will have on the equestrian community in southern California.


Bernard Katzman

Attorney at Law

19744 Beach Blvd. #307

Huntington Beach, CA 92648



29375 Mulholland Hwy.,
Agoura Hills, CA 91301
(818) 991-6629 Fax (818) 991-0450
e-Mail: Battarita@aol.com

Batta Vujicic

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JUL 06 2007

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

VIA FAX: (805) 841-1732

California Coastal Commission

89 South California Street, Suite 200

Ventura, CA 93001-2801

RE: Malibu Valley Farms Equestrian Center File Number 4-06-163

Honorable Commissioners:

This letter is written to show my family's support for Malibu Valley Farms and to urge you to approve Application No. 4-06-163. This farm is a part of our community and has been for over 25 years. At no charge, the Boudreau Family has opened its farm to the local community and various other charitable organizations. Attached for the reference is a copy of the Los Angeles County Board of Realtors (LACBOR) letter which I as a President of the organization, have submitted to you last year on November 13, 2006.

Malibu Valley Farms has proven to be a facility that cares for the community and the environment by going above and beyond what is required. They received an award from the County of Los Angeles for "Best Waste Management Practices".

This farm cares about the environment and is proposing a very environmentally friendly plan as a solution to keeping both the farm and environment in the best condition possible. In its application for a Coastal Development Permit, Malibu Valley Farms is proposing a 50-foot set back from the creek and a water run-off mitigation plan which addresses any concerns the Commission may have with run off. We feel that their proposed plan is reasonable and that its implementation will deliver benefits to the environment now and in time to come.

Malibu Valley Farms is a very important asset to our community. Not approving the application would be a huge loss to our community and to our State in general. Please use your leadership, wisdom, understanding, and knowledge to approve this application and to show the citizens of our great State that you do in deed support the equestrian community and farming.

Thank you for your consideration.

Respectfully,

cc: Malibu Valley Farms, Via fax - 818- 880-5414



**LOS ANGELES COUNTY BOARD OF
REALTORS® (LACBOR)**

The voice of Real Estate representing private property rights in Los Angeles County
1020 Pacific Avenue, Manhattan Beach, CA 90266
Tel: (310) 372-8453 Fax: (310) 372-8024
Website: www.lacbor.org

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JUL 06 2007

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626/943-9188

Eric Randall
Palos Verdes Peninsula AOR
310/544-8423

November 13, 2006

California Coastal Commission
89 South California Street, Suite 200
Ventura, CA 93001-2801

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

RE: Malibu Valley Farms Equestrian Center
File Number: V-4-00-001

Dear Chairman and Commissioners:

The Los Angeles County Board of Realtors® is the advocacy organization for the nineteen Boards and Associations of Realtors® in Los Angeles County. We are strongly opposed to the staff's recommendation of denial of Malibu Valley Farms' Vesting Application. On behalf of the 25,000 real estate professionals in Los Angeles County, including the hundreds of REALTORS® practicing in the Santa Monica Mountains, we request that you grant Malibu Valley Farms' application.

MALIBU VALLEY FARMS IS A COMMUNITY ASSET.

Malibu Valley Farms is one of the greatest assets to the local community. The Santa Monica Mountains National Recreation Area was formed to provide recreational opportunities for the residents of the surrounding communities and for the visitors to the area from throughout the nation. Malibu Valley Farms is a prime example of the visitor-serving facilities that are part of the partnership of public-private facilities in this area. Indeed, its existence is vital to the very mission of the Area.

The Boudreau Family has always opened the Farm and hosted local horse groups, children's horse shows, and equestrian events needing a staging area for rides along public trails; and they have also served as an evacuation site for horses during fires and floods. They do all of these things at no charge to the groups or to the community.

The activities of Malibu Valley Farms are a model for recreational facilities in the Santa Monica Mountains National Recreation Area.

MALIBU VALLEY FARMS PRE-DATES THE COASTAL ACT.

Malibu Valley Farms was originally part of the Gillette Ranch and has been used for agricultural purposes for well over 60 years. The Coastal Act did not become effective until January 1, 1977. Staff is recommending denial of the application on the grounds that the pipe corrals were not built prior to the effective date. However, various forms of fencing existed on the land prior to that date.

EVOLUTION OF MATERIALS IS NOT GROUNDS FOR DENIAL.

Staff is recommending denial on the grounds that pipe corrals were not present prior to the Coastal Act's effective date. While pipe may not have been used as corrals prior to the effective date, other types of fencing were. The material from which fencing is made has evolved over the last 60 years of operation. Corrals were once made of logs, then post and wire, and post and beams. Today, the most efficient material is pipe. It is safe for the horses, easy to maintain, recyclable, and installs with no damage to the land. Would staff advocate that trees be used to make corrals the old-fashioned way? We think not.

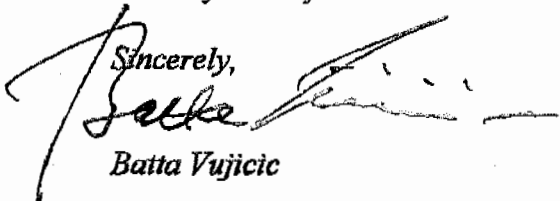
THE PROPOSED DENIAL WILL FURTHER REDUCE RECREATION ACCESS IN THE SANTA MONICA MOUNTAINS NATIONAL RECREATION AREA.

The taxpayers invested over \$400 million in land acquisition within the National Recreation Area. With the exception of trails and a few parking areas, there are no significant recreation facilities located on the public lands. All the recreation facilities, camps, fishing, picnicking, swimming, stables, restaurants, overnight accommodations and other services are provided on privately owned land. Since there are no plans to add any significant visitor-serving facilities on the public lands, or to acquire any land with such facilities, all visitors seeking services in the National Recreation Area will need to be accommodated on private property. The denial of this application could set a precedent to effectively end the development of any visitor-serving facilities, since it will effectively prohibit the development of private recreation facilities such as barns, arenas and corrals for individual property owners. Your staff's recommendation is in complete contradiction to the National Recreation Area Plan, which depends on the development of such facilities to serve the State and National residents and visitors to this area.

Please show the residents of this great State that you support Agriculture by allowing this farm to remain in operation with its improvements.

Thank you for your consideration.

Sincerely,



Batta Vujicic

President

Cc: *National Recreational Area*
California Association of Realtors®
Arcadia Board of Realtors®
Beverly Hills/Greater LA Association of Realtors®
Burbank Board of Realtors®
Citrus Valley Association of Realtors®
Downey Board of Realtors®
Glendale Association of Realtors®
Greater Antelope Valley Association of Realtors®
Inglewood Board of Realtors®
Malibu Association of Realtors®
Montebello Association of Realtors
Pacific West Association of Realtors®
Palos Verdes Peninsula Association of Realtors®
Pasadena/Foothill Association of Realtors®
Rancho Southeast Association of Realtors®
South Bay Association of Realtors®
Southland Regional Association of Realtors®
Southwest Los Angeles Association of Realtors
Tri-Counties Association of Realtors®
West San Gabriel Valley Association of Realtors®

A copy of the attached letter from Supervisor Michael Antonovich of the Fifth District of Los Angeles County was addressed to Commissioners Hueso, Kruer, Shallenberger, Neely, Clark, Achadjian, Potter, Reilly, Kram, Burke, Wan, and Blank



Board of Supervisors County of Los Angeles

MICHAEL D. ANTONOVICH
SUPERVISOR

July 5, 2007

Mr. Ben Hueso
California Coastal Commission
89 South California Street, Suite 200
Ventura, CA 93001-2801

Dear Mr. Hueso:

For nearly 30 years, Malibu Valley Farms has been an asset to the equestrian community. They have maintained a high standard of care for their facilities, horses, and the environment.

I urge the Coastal Commission to approve their Coastal Development Application No. 4-06-163. This application protects the environment and preserves Malibu Valley Farms for future generations.

Thank you for considering this important application.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Antonovich", written over a horizontal line.

MICHAEL D. ANTONOVICH
Supervisor, Fifth District

MDA:sn

This is a vital resource for our equestrian community.

The following letter was
submitted along with identical
letters from 44 other parties

10 June, 2007

VIA FAX: (805) 641-1732

California Coastal Commission
89 South California Street, Suite 200
Ventura, CA 93001-2801

RE: Malibu Valley Farms Equestrian Center
File Number: 4-06-163

To Whom It May Concern:

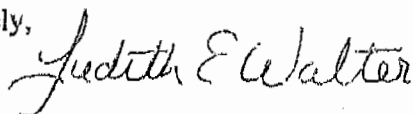
I am writing this letter to show my support for Malibu Valley Farms and urge that the Coastal Commission approve their Coastal Development Application No. 4-06-163. This farm has a part of the community for over 25 years. In the last 10 years the Boudreau Family has opened its farm to local ETI Corrals and children to host events, to local equestrian groups as a staging area for rides along public trails, and as an evacuation site for horses during fires and floods. They do all of these things at no charge to the community or groups. They have never turned away a horse in a time of need. There is no other facility in the area that provides so much to the community and it would be a huge loss if this farm no longer exists.

Malibu Valley Farms has proven time and again to be an operation that cares for their facilities, horses, community and the environment by going above and beyond what is required to ensure that there are no issues with waste. They even won the award from Los Angeles County for their Best Management Practices with regards to waste management. In its application for a Coastal Development Permit, Malibu Valley Farms is proposing a 50-foot set back from the creek and a water run-off mitigation plan which addresses any concerns the Commission may have with run off.

Malibu Valley Farms is a very important asset to its community. This farm cares about the environment and is proposing a very environmentally friendly plan as a solution to keeping both the farm and environment in the best condition possible. Please do not take this farm away from our community. Show the residents that you support equestrian uses and activities by allowing this farm to remain because without it, the equestrian community will lose a valuable asset and suffer for it.

Thank you for your consideration.

Sincerely,



Ms. Judith Walter
27524 Rondell St.
Agoura Hills, CA 91301



cc: Malibu Valley Farms (via fax: (818) 880-5414)

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585-1800

M 13e

Filed: 3/21/07
49th Day: 5/9/07
180th Day: 9/17/07
Staff: D. Christensen
Staff Report: 6/21/07
Hearing Date: 7/9/07

**STAFF REPORT: REGULAR CALENDAR****APPLICATION NO:** 4-06-163**APPLICANT:** Malibu Valley Farms, Inc.**AGENT:** Fred Gaines and Don Schmitz**PROJECT LOCATION:** Northeast corner of Mulholland Highway and Stokes Canyon Road,
Santa Monica Mountains (Los Angeles County)**APN NO:** 4455-028-044

PROJECT DESCRIPTION: Request for after-the-fact approval for an equestrian facility, including a 45,000 sq. ft. arena with five-foot high surrounding wooden wall with posts, 576 sq. ft. covered shelter, 25,200 sq. ft. riding arena, approximately 2,000 sq. ft. parking area, 2,660 sq. ft. back to back mare motel, 1,440 sq. ft. one-story barn, approximately 15,000 sq. ft. fenced paddock, fencing, dirt access road with at-grade crossing through Stokes Creek, and a second at-grade dirt crossing of Stokes Creek.

The proposed project also includes removal of twenty-eight 576 sq. ft. portable pipe corrals, four 400 sq. ft. portable pipe corrals, a 288 sq. ft. storage shelter, 200 sq. ft. portable storage trailer, 200 sq. ft. portable rollaway bin/container, 160 sq. ft. storage container, three-foot railroad tie walls, 101 sq. ft. tack room with no porch, four 101 sq. ft. portable tack rooms with 4-ft. porches, 200 sq. ft. portable tack room with four-foot porch, 150 sq. ft. cross tie area, 250 sq. ft. cross tie area, 360 sq. ft. cross tie shelter, two 2,025 sq. ft. covered corrals, and one 1,080 sq. ft. covered corral, and reduction in the size of the fenced paddock area by approximately 5,000 sq. ft. The proposed project also includes new construction of four 2,660 sq. ft. covered pipe barns, two 576 sq. ft. shelters, three 96 sq. ft. tack rooms, two 225 sq. ft. manure storage areas, vegetative swales totaling 1,400 feet in length, an approximately 850 sq. ft. retention basin, 250 sq. ft. riprap pad, 65.8 cu. yds. of grading (32.9 cu. yds. cut, 32.9 cu. yds. fill), and 0.5-acre riparian restoration.

Lot Area:	31.02 acres
Lot Area within Coastal Zone (CZ):	~28 acres
Proposed development area (in CZ):	~6 acres
Zoning:	Rural Land III (1 du/2 acres)

SUMMARY OF STAFF RECOMMENDATION

Staff recommends ***DENIAL*** of the proposed project, as the project would allow extensive development to remain, and new development to occur, on an approximately 31.02 acre site

Continued on next page

containing riparian, oak woodland, and chaparral environmentally sensitive habitat areas, and that development either is or would be inconsistent with the Coastal Act's requirements to protect those environmentally sensitive habitat areas (ESHAs), streams, and water quality, as listed in Sections 30231, 30236, and 30240 of the Coastal Act. The development is also inconsistent with the visual resource protection policies of Section 30251. The standard of review for the proposed project is the Chapter Three policies of the Coastal Act. Staff notes that, with respect to the existing development, the Commission has already found it to be inconsistent with these policies, in the context of issuing two enforcement orders in November of last year. In addition, the policies of the certified Malibu-Santa Monica Mountains Land Use Plan (LUP) serve as guidance.

The subject property is an approximately 31.02-acre parcel at the northeast corner of Mulholland Highway and Stokes Canyon Road in the Santa Monica Mountains area of unincorporated Los Angeles County. The southern approximately 28 acres of the parcel is located within the Coastal Zone. Stokes Canyon Creek, a stream that is recognized by the United States Geological Survey (USGS) as an intermittent blue-line stream, runs in a southwesterly direction through the western half of the parcel. The parcel area east of the creek consists of mountainous terrain containing chaparral, oak woodland, and annual grassland habitats; the parcel area west and south of the creek is level and contains the approximately six-acre unpermitted equestrian facility that is the subject of this application.

Stokes Canyon Creek and its associated riparian canopy are designated as inland ESHA in the Malibu-Santa Monica Mountains Land Use Plan (LUP). The policies of the LUP, which the Commission uses as guidance, require a minimum setback of 100 feet from all designated ESHA, prohibit alteration of streambeds in ESHA, require road crossings to be minimized, and require any such crossings that are unavoidable to consist of bridging. Staff biologist John Dixon visited the site on August 22, 2005, and has confirmed that the stream and surrounding riparian habitat are ESHA. Therefore, all of the ESHA protections, including the 100-foot setback, required by the LUP and the Coastal Act apply to those portions of this site.

The proposed equestrian facility, including the as-built components, is located in and adjacent to Stokes Creek. With proposed removal of various as-built structures on the site that currently abut the creek's riparian canopy, the proposed development will be situated approximately 30 feet from the edge of the riparian canopy at its closest point in the northern portion of the property, and approximately 10 feet from the riparian canopy in the southern portion of the property. The existing unpermitted arena in the northern portion of the property (for which the applicant proposes after-the-fact approval) is located approximately 30 feet west of the riparian dripline. The existing dirt paths that surround the arenas and structures (for which the applicant proposes after-the-fact approval) are situated immediately adjacent to the edge of the riparian canopy. In addition, the proposed project includes a request for after-the-fact approval for two at-grade dirt crossings of Stokes Creek, which have reduced the existing streambed to compacted bare soil, inconsistent with the ESHA protection standards of the Malibu-Santa Monica Mountains LUP. Drainage devices to capture and treat site runoff, consisting of vegetative swales and a retention basin, are proposed near the top of bank of Stokes Creek. Lastly, the proposed project includes livestock fencing enclosing an approximately 23-acre hillside area of the property east of Stokes Creek, which contains oak woodland and chaparral ESHA.

Continued on next page

A 100 foot buffer from the riparian woodland ESHA and the oak woodland ESHA is necessary to prevent impacts that would significantly degrade these ESHAs. Because the proposed development is set back less than 50 feet from the riparian woodland ESHA on the site and would not maintain an adequate natural vegetation buffer area to protect riparian habitat and water quality, the proposed development is inconsistent with Sections 30240(b) and 30231 of the Coastal Act, and the associated standards provided in the certified LUP for the area. The livestock fencing and the two proposed stream crossings that extend into the riparian canopy, which involve development directly in ESHA, are also inconsistent with Section 30240.

The two stream crossings would significantly disrupt habitat values of Stokes Creek by reducing the streambed to compacted bare soil and increasing the transport of pollutants into the stream, inconsistent not only with Section 30240, but with Section 30231 of the Coastal Act and the stream protection standards of the Malibu-Santa Monica Mountains LUP. The proposed crossings are furthermore inconsistent with the LUP policies regarding stream crossings and alteration of streams, and with Section 30236 of the Coastal Act. In addition, the proposed project would have significant adverse impacts on non-ESHA biological coastal resources, such as individual oak trees, inconsistent with Section 30250 of the Coastal Act.

Lastly, the subject as-built development replaced riparian habitat and oak woodland, chaparral, and coastal sage scrub vegetative communities with many structures, fencing, and access roads, including dirt road crossings through Stokes Creek, that are visible along a designated scenic highway and along public trails above the subject property. As such, the proposed development is not consistent with Section 30251 of the Coastal Act because it was not sited and designed to protect the scenic and visual characteristics of the surrounding area, and it contributes to a cumulative adverse impact of increased development along Stokes Creek and the adjacent upland areas.

In summary, the applicant's proposal would allow intensive equestrian-related development and livestock use within and adjacent to a riparian, oak woodland, and chaparral ESHA and is thus inconsistent with Coastal Act policies for the protection of environmentally sensitive habitat and water quality. As noted above, the proposed project is also inconsistent with the stream protection and visual resource policies of the Coastal Act. Furthermore, alternatives exist that would be consistent with Coastal Act policies. Therefore, staff recommends **denial** of the subject application.

LOCAL APPROVALS RECEIVED: County of Los Angeles Department of Regional Planning, Approval in Concept, February 2, 2004; County of Los Angeles Environmental Review Board Evaluation, Consistent after Modifications, January 27, 2003; County of Los Angeles Fire Prevention Engineering Approval in Concept, June 5, 2002; County of Los Angeles Preliminary Fuel Modification Plan, December 18, 2002; State Water Resources Control Board Receipt of Notice of Intent to Comply with the Terms of the General Permit to Discharge Storm Water Associated with Construction Activity, WDID No. 419C330921, June 27, 2005; Letter re: Lake or Streambed Alteration Notification No. 1600-2004-0539-R5, California Department of Fish and Game, March 15, 2005.

SUBSTANTIVE FILE DOCUMENTS: "Biological Resource Analysis of Proposed ESHA Setback for Malibu Valley Farms Equestrian Center Improvements," Frank Hovore & Associates, January 2002, updated October 2004; "Biological Assessment in Support of Malibu Valley Farms, Inc., Coastal Development Permit Application No. 4-02-131," Sapphos Environmental Inc., October 25, 2005; "Evaluation of Surface Water and Groundwater Quality

Impacts Resulting from the Proposed Equestrian Facility at 2200 Stokes Canyon Road, Calabasas, California,” by Jones & Stokes, July 3, 2002; “Policies in Local Coastal Programs Regarding Development Setbacks and Mitigation Ratios for Wetlands and Other Environmentally Sensitive Habitat Areas,” California Coastal Commission, January 2007; Claim of Vested Rights File No. 4-00-279-VRC (Malibu Valley); “Malibu Valley Farms Comprehensive Management Plan”, by Malibu Valley Farms, Inc., dated December 2006; Coastal Development Permit Application No. 4-02-131 (Malibu Valley Farms, Inc.); Claim of Vested Rights No. 4-00-279-VRC (Malibu Valley Farms, Inc.); Cease and Desist Order No. CCC-06-CD-14 and Restoration Order No. CCC-06-RO-07.

I. Staff Recommendation

MOTION: *I move that the Commission approve Coastal Development Permit No. 4-06-163 for the development proposed by the applicant.*

Staff Recommendation of Denial:

Staff recommends a **NO** vote. Failure of this motion will result in denial of the permit and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution to Deny the Permit:

The Commission hereby **denies** a coastal development permit for the proposed development on the grounds that the development will not conform with the policies of Chapter Three of the Coastal Act and will prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter Three. Approval of the permit would not comply with the California Environmental Quality Act because there are feasible mitigation measures or alternatives that would substantially lessen the significant adverse impacts of the development on the environment.

II. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The applicant, Malibu Valley Farms, Inc. (MVF), requests after-the fact approval for an equestrian facility that is used for breeding, raising, training, stabling, exercising, rehabilitation, and boarding of horses. The facility includes a 45,000 sq. ft. arena with five-foot high surrounding wooden wall with posts, 576 sq. ft. covered shelter, 25,200 sq. ft. riding arena, approximately 2,000 sq. ft. parking area, 2,660 sq. ft. back to back mare motel, 1,440 sq. ft. one-story barn, approximately 15,000 sq. ft. fenced paddock, fencing, dirt access road with at-grade crossing through Stokes Creek, and a second at-grade dirt crossing of Stokes Creek (**Exhibits 4-6**).

The proposed project includes removal of twenty-eight 576 sq. ft. portable pipe corrals, four 400 sq. ft. portable pipe corrals, a 288 sq. ft. storage shelter, 200 sq. ft. portable storage trailer, 200 sq. ft. portable rollaway bin/container, 160 sq. ft. storage container, three-foot railroad tie walls,

101 sq. ft. tack room with no porch, four 101 sq. ft. portable tack rooms with four-foot porches, 200 sq. ft. portable tack room with four-foot porch, 150 sq. ft. cross tie area, 250 sq. ft. cross tie area, 360 sq. ft. cross tie shelter, two 2,025 sq. ft. covered corrals, and one 1,080 sq. ft. covered corral, and reduction in the size of the fenced paddock area by approximately 5,000 sq. ft.

The proposed project also includes new construction of four 2,660 sq. ft. covered pipe barns, two 576 sq. ft. shelters, three 96 sq. ft. tack rooms, two 225 sq. ft. manure storage areas, vegetative swales totaling 1,400 feet in length, an approximately 850 sq. ft. retention basin, 250 sq. ft. riprap pad, 65.8 cu. yds. of grading (32.9 cu. yds. cut, 32.9 cu. yds. fill), and 0.5-acre riparian restoration (**Exhibits 7-15**).

The applicant has not provided any information regarding the maximum number of horses that are intended to be maintained on the project site. However, a March 2005 Draft Environmental Impact Report (EIR) prepared for the proposed Malibu Valley Inn and Spa, which was to be developed by the applicant on a site located nearby, estimated that an average of 50 horses were stabled on the subject project site at that time. Based on the existing and proposed site facilities, staff estimates that a larger numbers of horses (approximately 76) could be accommodated.

The subject property is an approximately 31.02-acre parcel at the northeast corner of Mulholland Highway and Stokes Canyon Road in the Santa Monica Mountains area of unincorporated Los Angeles County (**Exhibits 1-2**). The parcel is bisected by the coastal zone boundary. The southern approximately 28 acres of the parcel is located within the coastal zone and is subject to the Coastal Commission's jurisdiction (**Exhibit 3**). Stokes Canyon Creek, an intermittent blue-line stream recognized by the United States Geological Survey (USGS), runs in a southwesterly direction through the western half of the parcel and supports riparian habitat within its boundaries and along its banks. The parcel area east of the creek consists of mountainous terrain containing chaparral, oak woodland, and annual grassland habitats; the parcel area west and south of the creek is level and contains the approximately six-acre unpermitted equestrian facility that is the subject of this application (**Exhibits 26, 27**).

The site is located immediately north of the former campus of Soka University, which is now public parkland. Scattered rural and residential development is located west and south of the project site, and undeveloped hillside containing primarily chaparral habitat is located to the east of the property. The site is visible from Mulholland Highway, a designated scenic highway in the Malibu-Santa Monica Mountains Land Use Plan (LUP), as well as from various public viewing points, including along the Backbone Trail and the Las Virgenes View trail, that afford scenic vistas of the relatively undisturbed natural area. Stokes Canyon Creek and its associated riparian canopy are designated as inland ESHA in the Malibu-Santa Monica Mountains Land Use Plan (LUP). Commission staff biologist John Dixon has visited the site, most recently on August 22, 2005, and has confirmed that the stream and surrounding riparian habitat, as well as the hillside oak woodland and chaparral habitat, on the site constitutes ESHA. In addition, some of the existing unpermitted development that the applicant proposes to retain is within the protected zones of individual oak trees outside of the hillside oak woodland.

Correspondence that has been received to date from interested parties in support of the proposed project are attached as **Exhibit 21**. Staff has received approximately 205 copies of the same letter from different individuals. One example of this letter has been attached. The letters express that the horse facility is a valuable asset to the equestrian community and should be preserved. Commissioner ex parte communications are attached as **Exhibit 22**.

B. Background

Previous Commission Actions on the Project Site

As described above, there is a large equestrian facility existing on the proposed project site. The Commission has not previously approved any coastal development permit for this development or any other development on the site. However, the Commission has taken several other actions that relate to the project site, including the denial of the applicant's claim of vested rights and the approval of Cease and Desist and Restoration Orders. Commission staff first became aware that there is unpermitted development on the site in 1999.

On November 20, 1998, Brian Boudreau, president of Malibu Valley Farms, Inc., submitted an exemption request for replacement of pipe corrals and related improvements that had been destroyed by wildfire in 1996. On December 7, 1998, the Commission issued Exemption Letter No. 4-98-125-X for replacement of 14 pipe corrals (totaling 2,500 sq. ft). However, the Commission rescinded this exemption letter shortly thereafter, in January 1999, because staff discovered that the equestrian facility on the site was constructed after the January 1, 1977 effectiveness date of the Coastal Act, without benefit of a coastal development permit. Exemptions from the Coastal Act's permit requirements for replacement of structures destroyed by disaster (Section 30610(g)) only apply to structures that were either legally constructed prior to the Coastal Act, or were constructed after the Coastal Act with the appropriate authorization under the Act.

Commission staff contacted Mr. Boudreau on January 14, 1999 and sent him a letter dated January 22, 1999 informing him that the exemption was revoked. The letter also stated that a Coastal Development Permit (CDP) is required for the horse riding area, polo field, numerous horse corrals, barn, and accessory buildings at the site and directed the applicant to submit a CDP application requesting after-the-fact approval of the unpermitted development.

Commission staff visited the site in November 1999 and March 2000. In March 2000, Commission staff notified Mr. Boudreau that it intended to initiate cease and desist order proceedings regarding the development at the site. Mr. Boudreau, Malibu Valley Farms, Inc., and Robert Levin, the owner of the property at the time, submitted a Statement of Defense dated April 10, 2000. The Executive Director scheduled a Cease and Desist Order hearing at the Commission's June 2000 meeting. However, just prior to the June 2000 hearing, MVF expressed a desire to cooperate and take necessary steps to resolve the violation and on June 12, 2000 submitted a Claim of Vested Rights application for all of the unpermitted development. On June 13, 2000, Malibu Valley, Inc. (a separate corporation also owned by Mr. Boudreau) submitted a Claim of Vested Rights application (Vested Rights Claim Application No. 4-00-279-VRC). The application contended that a vested right exists to conduct agricultural and livestock activities and erect and maintain structures in connection with those activities on the site.

A public hearing on Vested Rights Claim Application No. 4-00-279-VRC was scheduled for the February 2001 Commission meeting, with a staff recommendation of denial. On February 15, 2001, at the applicant's request, the hearing on the application was continued to allow for the submittal and processing of a coastal development permit application for the unpermitted development instead. More than a year later, the applicant submitted a CDP application (No. 4-02-131). Unfortunately, the CDP application did not contain enough information to deem the application "complete" under the applicable regulations. Over the next four years numerous contacts were made by Commission staff to the applicant attempting to obtain the necessary

information. In March 2006, the CDP application was deemed complete and Commission staff scheduled the hearing for the Commission's August 2006 hearing.

Unfortunately, after years of Commission staff time and effort to obtain the information necessary to complete the CDP application, and after preparation of a staff recommendation of denial for the Commission's consideration, the applicant withdrew the application (in a July 27, 2006 letter) just before the Commission hearing was to be held and stated that it wished to proceed with its Claim of Vested Rights application (4-00-279-VRC). This was the Vested Rights application that was previously scheduled for Commission action at the February 2001 hearing and postponed at the request of the applicant so it could submit the very CDP application (4-02-131) that it later withdrew in July 2006.

The Commission heard the applicant's Claim of Vested Right No. 4-00-279-VRC (Malibu Valley Farms, Inc.) at the November 2006 Commission hearing. The applicant claimed that it had a vested right to: "conduct agricultural and livestock activities on the property that were commenced prior to 1930, right to build new structures in connection with that use, and right to construct, operate, and maintain the equestrian facility that currently exists on the property". The Commission considered the applicant's claim, including supporting evidence. The Commission denied the applicant's claim, finding that the evidence provided by the applicant did not substantiate the claim of vested rights for any of the development existing on the project site. The findings adopted by the Commission in its denial of Vested Rights Claim 4-00-279-VRC are attached as **Exhibit 17**.

A Cease and Desist Order (CCC-06-CD-14) and Restoration Order (CCC-06-RO-07) regarding the subject development were also heard at the November 2006 Commission hearing, following the Commission's denial of the Claim of Vested Rights (**Exhibit 18**). The Commission approved the orders, requiring the applicant to cease and desist from maintaining the unpermitted development on the site, to remove the unpermitted development, and to restore the site (including the implementation of restorative grading, erosion control, and revegetation). However, the Commission also provided for the applicant to again submit a coastal development permit application to retain some or all of the unpermitted development on the site. Cease and Desist Order (CCC-06-CD-14) and Restoration Order (CCC-06-RO-07) contained the following provision:

If a complete CDP application is not received within 60 days from issuance of these Orders (unless the Executive Director makes the determination that additional water quality studies cannot be completed within this timeframe) or if Respondent either withdraws the application or otherwise prevents it from coming to a hearing as per the Commission staff planned hearing schedule, Respondent shall remove all unpermitted development and restore these areas consistent with these Orders, set forth herein. Moreover, in the event that the Commission denies all or any part of such application, Respondent shall remove all unpermitted development, and restore these areas in the same manner and timeframes consistent with these Orders set forth herein.

In approving the orders, the Commission found that the development on the site meets the definition of "development" (as defined by Section 30106 of the Coastal Act), that it is subject to the permit requirements of Section 30600(a) of the Coastal Act, and that no permit had been approved for this development. The Commission further found that this unpermitted development is inconsistent with the applicable Chapter 3 policies of the Coastal Act, including Sections 30231, 30236, 30240, and 30251. It was found that Stokes Canyon Creek and its associated riparian woodland on the project site meet the definition of ESHA under the Coastal Act. The Commission found that the unpermitted development on the site is located within and

adjacent to the riparian ESHA, does not protect the ESHA from significant disruption of habitat values, and has not been sited or designed to prevent impacts that would significantly degrade the ESHA, inconsistent with Section 30240 of the Coastal Act. The Commission further found that the existing confined animal facility does not provide an adequate setback from Stokes Creek, resulting in degradation of water quality, inconsistent with the requirements of the LUP and Section 30231 of the Coastal Act. Additionally, the existing at-grade dirt crossings of Stokes Canyon Creek on the project site required alteration of the stream, but are not for any of the three permissible uses detailed in Section 30236 of the Coastal Act. As such, the Commission found that the unpermitted development is inconsistent with this policy as well. The Commission also found that the development is not consistent with Section 30251 of the Coastal Act in that it did not minimize alteration of landforms, was not sited or designed to protect the scenic and visual characteristics of the surrounding area, and that it contributes to a cumulative adverse impact of increased development along Stokes Creek and the adjacent upland areas. Finally, the Commission found that the unpermitted development on the site is causing continuing resource damage.

On December 12, 2006 the applicant submitted a new coastal development permit application (No. 4-06-163, the subject of this staff report). The subject permit application contains a few changes to the proposed project previously considered by staff under CDP application No. 4-02-131. These changes include the omission of a proposed 2,400 sq. ft. hay barn south of the northern riding arena, the removal of several structures situated just north of an existing barn, and the incorporation of a site-specific Comprehensive Management Plan that includes vegetative swales, bioretention basin, riparian restoration, and other Best Management Practices to control erosion and runoff from the equestrian facility. Again, the CDP application did not contain enough information to deem the application "complete" under the applicable regulations. After receiving additional information from the applicant, Commission staff deemed the application complete on March 21, 2007 and tentatively scheduled it for the July 2007 Commission hearing.

Previous Commission Actions on Equestrian Facilities in the Santa Monica Mountains

The Commission has considered coastal development permit applications for many equestrian facilities in the Santa Monica Mountains area, although none that have been of the same size, scale, or intensity as the project considered herein. The majority of the projects considered have involved facilities that are accessory to a residence. The Commission has long recognized that confined animal facilities are a major source of non-point source pollution and have the potential to significantly impact the water quality of coastal streams. Additionally, such facilities may result in other impacts associated with their construction, such as landform alteration, habitat displacement or disruption, fuel modification and vegetation removal required to provide fire protection, increased erosion and sedimentation. While the Commission has consistently required the clustering of development in order to minimize impacts to coastal resources, it is difficult to cluster equestrian facilities with other types of development like residential structures. This is because of health restrictions that require a separation of at least fifty feet between confined animal facilities and habitable structures.

The Commission has required equestrian facilities to be appropriately sited and designed to minimize impacts to coastal resources, including ESHA. The overall square footage of such facilities has been counted towards the total allowable development area for project sites that contain ESHA [4-02-110 (Khalsa); 4-03-085-A1 (WF Trust); 4-05-202 (Aurora Family LLC)]. Where there is a larger area on a project site that is not considered ESHA (as a result of clearance or grading that was permitted or carried out prior to the effective date of the Coastal

Act), the Commission has allowed larger facilities so long as they are constructed of non-combustible materials so that fuel modification is minimized [4-00-128 (Farinella); 4-00-143-A2 (Weeger); 4-05-042 (Weintraub); 4-06-032 (Giraldin)].

The Commission has considered several projects with equestrian facilities located in proximity to streams and riparian corridors and has consistently required that such facilities provide adequate buffers between the development and the canopy of riparian vegetation (if riparian vegetation is present). In Permit 4-00-055 (Stark), the Commission considered a residential project including a home and several accessory structures on a 63-acre site. This project site contained existing unpermitted equestrian facilities, including a 2,000 sq. ft. barn, 21,000 sq. ft. graded arena, and stream culverts within a riparian woodland and stream designated ESHA by the Malibu/Santa Monica Mountains LUP. In order to bring the development into conformity with the policies of Chapter 3 and the LUP, the applicant proposed and the Commission required the removal of all of the equestrian facilities, restorative grading, and riparian revegetation. A new barn and smaller arena located 300 feet from the stream was approved as part of the project.

The Commission approved Cease and Desist Order 03-CD-02, and Restoration Order 03-RO-03 (Teherani) to require the removal of unpermitted development, including 1) grading and fencing, 2) clearance of vegetation, 3) construction of a horse corral, 4) construction of a path/road from a previously permitted horse corral to the new, unpermitted horse corral, and 5) construction of railroad tie retaining walls, and restoration of all disturbed areas. The unpermitted development in this case was located within an oak woodland and adjacent to Cold Creek (a blue-line stream designated as ESHA by the Malibu/Santa Monica Mountains LUP). Both the oak woodland and riparian/stream habitats were determined by the Commission to constitute ESHA. The Commission found that the horse corral was constructed within the riparian area (therefore not providing an adequate buffer) and that it was impacting mature oak trees by allowing horses to compact the soil within the dripline. The Commission found that the unpermitted development was not consistent with Section 30240 of the Coastal Act. Further, the corral was located approximately 10 feet from the bank of Cold Creek, and the Commission found that, as long as it remained in that location, there was no means of preventing horse wastes from entering the stream, adversely impacting water quality. The Commission therefore found that the unpermitted development was inconsistent with Section 30231 of the Coastal Act. The Commission also found that the development resulted in increased erosion, inconsistent with Section 30253 of the Coastal Act and that it did not minimize alteration of landforms, inconsistent with Section 30251 of the Coastal Act. Finally, the Commission found that the unpermitted development was causing continuing resource damage. The owner was ordered to remove all of the unpermitted development, to restore the topography, and to implement a habitat restoration plan.

In Permit 4-03-117 (Teherani) for development on this same project site, the Commission approved the construction of an approximately 2,500 sq. ft. horse corral with three-rail split wood fencing and an approximately 35 foot long, 7 foot wide access path adjacent to an existing single family residence, with approximately 50 cu. yds. of grading (25 cu. yds. cut, 25 cu. yds. fill) on the same property. This new development was sited on an existing developed area of the project site that is over 100 feet from the oak woodland and riparian ESHA areas on the site. The Commission found this new development, as sited to provide an adequate buffer from the stream and ESHA, and as conditioned to employ animal waste containment management practices and drainage devices, would be consistent with the ESHA and water quality policies of the Coastal Act.

In Permit Application 4-03-022 (Rex), the Commission denied an after-the-fact request for a small equestrian facility as an accessory to a single family residence, consisting of an 836 sq. ft. horse corral, 45 sq. ft. hay shed, 13 ft. long retaining wall, and a new 144 sq. ft. awning on posts. The proposed development would have been located approximately 42 feet from the top of bank of an un-named tributary to Cold Creek. The on-site tributary is a blue-line stream and is designated ESHA by the Malibu/Santa Monica Mountains LUP. The Commission required development to be located no closer than 100 feet from ESHA, in order to protect the biological integrity of the ESHA, provide space for transitional vegetated buffer areas, and minimize human intrusion. In denying this permit, the Commission found that not only did the proposed equestrian facilities not provide a 100 foot buffer, but that no area on the project site could provide this buffer, while maintaining the required 50 foot separation from the existing residence. The Commission found that this development would result in significant disruption to habitat values in the ESHA and would not maintain the biological productivity and quality of coastal waters and streams, inconsistent with Sections 30230, 30231 and 30240 of the Coastal Act, and the applicable policies of the LUP.

C. Standard of Review

The standard of review for the proposed project is the Chapter Three policies of the Coastal Act. In addition, the policies of the certified Malibu-Santa Monica Mountains Land Use Plan (LUP) serve as guidance. As noted above, the applicant's proposal includes a request for after-the-fact approval for equestrian facilities that were constructed after the January 1, 1977 effectiveness date of the Coastal Act without benefit of a coastal development permit. In evaluating such proposals, the Commission considers all development, including existing unpermitted development, as if it were not already constructed, and considers the condition of the site prior to any unpermitted development.

D. Environmentally Sensitive Habitat Areas

Section **30240** states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

Section **30107.5** of the Coastal Act defines an environmentally sensitive area as:

"Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

Section **30250(a)** of the Coastal Act states, in relevant part:

New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

In addition, the Malibu/Santa Monica Mountains LUP provides policy guidance regarding the protection of environmentally sensitive habitats. The Coastal Commission has relied upon the following policies as guidance in its review of development proposals in the Santa Monica Mountains:

- P57 Designate the following areas as Environmentally Sensitive Habitat Areas (ESHAs): (a) those shown on the Sensitive Environmental Resources Map (Figure 6), and (b) any undesignated areas which meet the criteria and which are identified through the biotic review process or other means, including those oak woodlands and other areas identified by the Department of Fish and Game as being appropriate for ESHA designation.***
- P63 Uses shall be permitted in ESHAs, DSRs, Significant Watersheds, and Significant Oak Woodlands, and Wildlife Corridors in accordance with Table I and all other policies of this LCP.***
- P68 Environmentally sensitive habitat areas (ESHAs) shall be protected against significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas. Residential use shall not be considered a resource dependent use.***
- P69 Development in areas adjacent to environmentally sensitive habitat areas (ESHAs) shall be subject to the review of the Environmental Review Board, shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.***
- P74 New development shall be located as close as feasible to existing roadways, services, and existing development to minimize the effects on sensitive environmental resources.***
- P81 To control runoff into coastal waters, wetlands and riparian areas, as required by Section 30231 of the Coastal Act, the maximum rate of storm water runoff into such areas from new development should not exceed the peak level that existed prior to development.***
- P82 Grading shall be minimized for all new development to ensure the potential negative effects of runoff and erosion on these resources are minimized.***

Table 1 (ESHAs)

Land alteration and vegetation removal, including brushing, shall be prohibited within undisturbed riparian woodlands, oak woodlands, and any areas designated as ESHAs by this LCP, except that controlled burns and

trails or roads constructed for providing access to recreational areas may be permitted consistent with other policies of the LCP.

Trails or roads permitted for recreation shall be constructed to minimize grading and runoff. A drainage control plan shall be implemented.

Streambeds in designated ESHAs shall not be altered except where consistent with Section 30236 of the Coastal Act. Road crossings shall be minimized, and where crossings are considered necessary, should be accomplished by bridging. Tree removal to accommodate the bridge should be minimized.

A minimum setback of 100 feet from the outer limit of the pre-existing riparian tree canopy shall be required for any structure associated with a permitted use within or adjacent to an Environmentally Sensitive Habitat Area.

Structures shall be located in proximity to existing roadways, services and other development to minimize the impacts on the habitat. Approval of development shall be subject to review by the Environmental Review Board.

Section 30250 of the Coastal Act requires that development be located to ensure that significant adverse impacts, both individual and cumulative, be avoided. In addition, Section 30240 of the Coastal Act states that environmentally sensitive habitat areas must be protected against disruption of habitat values.

Environmentally Sensitive Habitat Determination

Pursuant to Section 30107.5, in order to determine whether an area constitutes an ESHA, and is therefore subject to the protections of Section 30240, the Commission must ask four questions:

- 1) What is the area of analysis?
- 2) Is there a rare habitat or species in the subject area?
- 3) Is there an especially valuable habitat or species in the area, based on:
 - a) Does any habitat or species present have a special nature?
 - b) Does any habitat or species present have a special role in the ecosystem?
- 4) Is any habitat or species that has met test 2 or 3 (i.e., that is rare or especially valuable) easily disturbed or degraded by human activities and developments?

The Coastal Commission has found that the Mediterranean Ecosystem in the Santa Mountains is itself rare, as well as being especially valuable, because of its relatively pristine character, physical complexity, and resultant biological diversity. The Commission further finds that because of the rare and special nature of the Santa Monica Mountains ecosystem, the ecosystem roles of substantially intact areas of the constituent plant communities discussed below are “especially valuable” under the Coastal Act. Therefore, the habitat areas discussed below, which provide important roles in that ecosystem, are especially valuable because of that role and meet the second criterion for the ESHA designation. The subject site contains several habitat types that are part of the Santa Monica Mountains Mediterranean Ecosystem, including riparian woodland, oak woodland, and chaparral.

Woodlands that are native to the Santa Monica Mountains, such as oak woodlands and riparian woodlands, have many important and special roles in the ecosystem. Native trees prevent the

erosion of hillsides and stream banks, moderate water temperatures in streams through shading, provide food and habitat, including nesting, roosting, and burrowing to a wide variety of wildlife species, contribute nutrients to watersheds, and are important scenic elements in the landscape.

In the Santa Monica Mountains, riparian woodland contains the greatest overall diversity of all the plant communities in the area, partly because of its multi-layered vegetation.¹ At least four types of riparian communities are discernable in the Santa Monica Mountains: walnut riparian areas, mulefat-dominated riparian areas, willow riparian areas and sycamore riparian woodlands. Of these, the sycamore riparian woodland is the most diverse riparian community in the area. In these habitats, the dominant plant species include arroyo willow, California black walnut, sycamore, coast live oak, Mexican elderberry, California bay laurel, and mule fat. Wildlife species that have been observed in this community include least Bell's vireo (a State and federally listed species), American goldfinches, black phoebes, warbling vireos, bank swallows (State listed threatened species), song sparrows, belted kingfishers, raccoons, and California and Pacific tree frogs.

Riparian communities are the most species-rich to be found in the Santa Monica Mountains. Because of their multi-layered vegetation, available water supply, vegetative cover and adjacency to shrubland habitats, they are attractive to many native wildlife species, and provide essential functions in their lifecycles². During the long dry summers in this Mediterranean climate, these communities are an essential refuge and oasis for much of the areas' wildlife.

Riparian habitats and their associated streams form important connecting links in the Santa Monica Mountains. These habitats connect all of the biological communities from the highest elevation chaparral to the sea with a unidirectional flowing water system, one function of which is to carry nutrients through the ecosystem to the benefit of many different species along the way.

The streams themselves provide refuge for sensitive species including: the coast range newt, the Pacific pond turtle, and the steelhead trout. The coast range newt and the Pacific pond turtle are California Species of Special Concern and are proposed for federal listing³, and the steelhead trout is federally endangered. The health of the streams is dependent on the ecological functions provided by the associated riparian woodlands. These functions include the provision of large woody debris for habitat, shading that controls water temperature, and input of leaves that provide the foundation of the stream-based trophic structure.

The importance of the connectivity between riparian areas and adjacent habitats is illustrated by the Pacific pond turtle and the coast range newt, both of which are sensitive and both of which require this connectivity for their survival. The life history of the Pacific pond turtle demonstrates the importance of riparian areas and their associated watersheds for this species. These turtles require the stream habitat during the wet season. However, recent radio tracking work⁴ has

¹ National Park Service. 2000. Draft: General Management Plan & Environmental Impact Statement, Santa Monica Mountains National Recreation Area, US Dept. of Interior, National Park Service, December 2000.

² Walter, Hartmut. Bird use of Mediterranean habitats in the Santa Monica Mountains, Coastal Commission Workshop on the Significance of Native Habitats in the Santa Monica Mountains. CCC Hearing, June 13, 2002, Queen Mary Hotel.

³ USFWS. 1989. Endangered and threatened wildlife and plants; animal notice of review. Fed. Reg. 54:554-579. USFWS. 1993. Endangered and threatened wildlife and plants; notice of 1-year petition finding on the western pond turtle. Fed. Reg. 58:42717-42718.

⁴ Rathbun, G.B., N.J. Scott and T.G. Murphy. 2002. Terrestrial habitat use by Pacific pond turtle in a Mediterranean climate. *Southwestern Naturalist*. (in Press).

found that although the Pacific pond turtle spends the wet season in streams, it also requires upland habitat for refuge during the dry season. Thus, in coastal southern California, the Pacific pond turtle requires both streams and intact adjacent upland habitats such as coastal sage scrub, woodlands or chaparral as part of their normal life cycle. The turtles spend about four months of the year in upland refuge sites located an average distance of 50 m (but up to 280 m) from the edge of the creek bed. Similarly, nesting sites where the females lay eggs are also located in upland habitats an average of 30 m (but up to 170 m) from the creek. Occasionally, these turtles move up to 2 miles across upland habitat⁵. Like many species, the pond turtle requires both stream habitats and the upland habitats of the watershed to complete its normal annual cycle of behavior. Similarly, the coast range newt has been observed to travel hundreds of meters into upland habitat and spend about ten months of the year far from the riparian streambed⁶. They return to the stream to breed in the wet season, and they are therefore another species that requires both riparian habitat and adjacent uplands for their survival.

Riparian habitats in California have suffered serious losses and such habitats in southern California are currently very rare and seriously threatened. In 1989, Faber estimated that 95-97% of riparian habitat in southern California was already lost⁷. Writing at the same time as Faber, Bowler asserted that, "[t]here is no question that riparian habitat in southern California is endangered."⁸ In the intervening 13 years, there have been continuing losses of the small amount of riparian woodlands that remain. Today these habitats are, along with native grasslands and wetlands, among the most threatened in California.

In addition to direct habitat loss, streams and riparian areas have been degraded by the effects of development. For example, the coast range newt, a California Species of Special Concern has suffered a variety of impacts from human-related disturbances⁹. Human-caused increased fire frequency has resulted in increased sedimentation rates, which exacerbates the cannibalistic predation of adult newts on the larval stages.¹⁰ In addition, impacts from non-native species of crayfish and mosquito fish have also been documented. When these non-native predators are introduced, native prey organisms are exposed to new mortality pressures for which they are not adapted. Coast range newts that breed in the Santa Monica Mountain streams do not appear to have adaptations that permit co-occurrence with introduced mosquito fish and crayfish¹¹. These introduced predators have eliminated the newts from streams where they previously occurred by both direct predation and suppression of breeding.

More recently, surveys conducted in Spring 2006 found the invasive New Zealand mud snail (*Potamopyrgus atipodarum*) in the Malibu Creek watershed. The tiny snails reproduce rapidly and can achieve densities of up to 500,000 organisms per square meter. Because of their massive density and quantity, the New Zealand mud snail can out-compete and reduce the number of native aquatic invertebrates that the watershed's fish and amphibians rely on for

⁵ Testimony by R. Dagit, Resource Conservation District of the Santa Monica Mountains at the CCC Habitat Workshop on June 13, 2002.

⁶ Dr. Lee Kats, Pepperdine University, personal communication to Dr J. Allen, CCC.

⁷ Faber, P.A., E. Keller, A. Sands and B.M. Massey. 1989. The ecology of riparian habitats of the southern California coastal region: a community profile. U.S. Fish and Wildlife Service Biological Report 85(7.27) 152pp.

⁸ Bowler, P.A. 1989. Riparian woodland: An endangered habitat in southern California. Pp 80-97 in Schoenherr, A.A. (ed.) Endangered plant communities of southern California. Botanists Special Publication No. 3.

⁹ Gamradt, S.C., L.B. Kats and C.B. Anzalone. 1997. Aggression by non-native crayfish deters breeding in California newts. Conservation Biology 11(3):793-796.

¹⁰ Kerby, L.J., and L.B. Kats. 1998. Modified interactions between salamander life stages caused by wildfire-induced sedimentation. Ecology 79(2):740-745.

¹¹ Gamradt, S.C. and L.B. Kats. 1996. Effect of introduced crayfish and mosquitofish on California newts. Conservation Biology 10(4):1155-1162.

food. This reduction in aquatic invertebrate food supply can disrupt the entire food web with dramatic consequences.

Therefore, because of the essential role that riparian plant communities play in maintaining the biodiversity of the Santa Monica Mountains, because of the historical losses and current rarity of these habitats in southern California, and because of their extreme sensitivity to disturbance, the native riparian habitats in the Santa Monica Mountains meet the definition of ESHA under the Coastal Act, as detailed in **Exhibit 16**.

Additionally, the important ecosystem functions of oak woodlands and savanna are widely recognized¹². These habitats support a high diversity of birds¹³, and provide refuge for many species of sensitive bats¹⁴. Typical wildlife in this habitat includes acorn woodpeckers, scrub jays, plain titmice, northern flickers, cooper's hawks, western screech owls, mule deer, gray foxes, ground squirrels, jackrabbits and several species of sensitive bats. Oak woodlands adjacent to grasslands, such as on the subject site, provide valuable perching opportunities for birds of prey who forage in the grasslands. Therefore, because of their important ecosystem functions and vulnerability to development, the Commission finds that oak woodlands and savanna within the Santa Monica Mountains meet the definition of ESHA under the Coastal Act.

Further, In the Santa Monica Mountains, coastal sage scrub and chaparral have many important roles in the ecosystem, including the provision of critical linkages between riparian corridors, the provision of essential habitat for species that require several habitat types during the course of their life histories, the provision of essential habitat for local endemics, the support of rare species, and the reduction of erosion, thereby protecting the water quality of coastal streams. For these and other reasons discussed in **Exhibit 16**, which is incorporated herein, the Commission finds that large, contiguous, relatively pristine stands of coastal sage scrub and chaparral in the Santa Monica Mountains meet the definition of ESHA. This is consistent with the Commission's past findings on the Malibu LCP¹⁵.

The subject parcel contains varied terrain and habitats. Stokes Canyon Creek, a stream recognized by the United States Geological Survey (USGS) as an intermittent blue-line stream, runs in a southwesterly direction through the western half of the parcel. The parcel area east of the creek consists of mountainous terrain containing chaparral habitat, Coast live oak woodland, and annual grassland; the parcel area west and south of the creek is level and is the location of the approximately six-acre proposed equestrian facility that is the subject of this application. This area was graded and disturbed in the 1950's when Los Angeles County constructed the 60-foot wide Stokes Canyon Road off Mulholland Highway. The road alignment required channelizing and relocating portions of Stokes Canyon Creek. Particularly, in the area of the proposed equestrian facility on the subject parcel, the stream channel was relocated from the area where Stokes Canyon Road is now situated to its present configuration. Although this

¹² Block, W.M., M.L. Morrison, and J. Verner. 1990. Wildlife and oak-woodland interdependency. *Fremontia* 18(3):72-76. Pavlik, B.M., P.C. Muick, S. Johnson, and M. Popper. 1991. *Oaks of California*. Cachuma Press and California Oak Foundation, Los Olivos, California. 184 pp.

¹³ Cody, M.L. 1977. Birds. Pp. 223-231 in Thrower, N.J.W., and D.E. Bradbury (eds.). *Chile-California Mediterranean scrub atlas*. US/IBP Synthesis Series 2. Dowden, Hutchinson & Ross, Stroudsburg, Pennsylvania. National Park Service. 1993. A checklist of the birds of the Santa Monica Mountains National Recreation Area. Southwest Parks and Monuments Assoc., 221 N. Court, Tucson, AZ. 85701

¹⁴ Miner, K.L., and D.C. Stokes. 2000. Status, conservation issues, and research needs for bats in the south coast bioregion. Paper presented at *Planning for biodiversity: bringing research and management together*, February 29, California State University, Pomona, California.

¹⁵ Revised Findings for the City of Malibu Local Coastal Program (as adopted on September 13, 2002) adopted on February 6, 2003.

reach of Stokes Canyon Creek was significantly altered in the past, the hydrological connections from the Stokes Canyon watershed to the stream have been maintained and riparian habitat has been established within and along the banks of the modified stream course, as discussed further below.

The applicant has submitted two biological reports that discuss the habitats on site ("Biological Resource Analysis of Proposed ESHA Setback for Malibu Valley Farms Equestrian Center Improvements," Frank Hovore & Associates, January 2002, updated October 2004; "Biological Assessment in Support of Malibu Valley Farms, Inc., Coastal Development Permit Application No. 4-02-131," Sapphos Environmental Inc., October 25, 2005). The report by Sapphos Environmental provides a map that shows the location of the varied habitats on the subject parcel (**Exhibit 26**).

Stokes Canyon Creek and its associated riparian canopy is a designated inland environmentally sensitive habitat area (ESHA) in the certified Malibu-Santa Monica Mountains LUP. The riparian canopy contains native riparian woodland species including arroyo willow, mulefat and elderberry. The October 2004 biological report by Frank Hovore & Associates states that the riparian habitat is not typical of southern riparian scrub habitat. This report states that:

A thin, but relatively well-developed mulefat and willow-dominated riparian scrub vegetation occupied the bed and bank of the reach of Stokes Creek passing by and through the facility during surveys. Other woody riparian species present within the banks of the seasonal creek include a few blue elderberry, coffeeberry, Indian tobacco, and bush mallow. The hydrophytic herbaceous component is not well developed, reflecting the ephemeral hydrology, sandy substrate and episodic scouring flows of the water course.

The report goes on to discuss that no sensitive plant or animal species were identified on the site even though riparian habitat might be expected to support them. Of course, it should be noted that these biological surveys were conducted after the unpermitted development had been in place and the facilities were in operation for over 25 years. There is no discussion in the report regarding the likely effects that the ongoing disturbance has had on the stream and riparian habitat or how the riparian habitat in Stokes Creek would be constituted without the impacts that have resulted. Because the existing development on the site has been determined to be unpermitted, as discussed above, the Commission must consider the application as though the development had not occurred and must regard the habitat on the site as though it had not previously been disturbed by this development. Commission staff, including staff biologist John Dixon, have observed native vegetation on the site that is typical of riparian woodlands in the Santa Monica Mountains. Commission staff biologist John Dixon visited the site on August 22, 2005, and has confirmed that Stokes Creek and its associated riparian woodland habitat on the site meet the definition of ESHA pursuant to Section 30107.5 of the Coastal Act. Therefore, the Commission finds the riparian habitat along Stokes Creek on the project site to be an environmentally sensitive habitat area.

In addition, the hillside east of the creek contains an extensive oak woodland, covering approximately 10 acres and containing hundreds of trees, that was also confirmed by staff biologist John Dixon to meet the definition of an environmentally sensitive habitat area (ESHA) pursuant to Section 30107.5 of the Coastal Act. Additionally, although this area is not shown as ESHA on the Malibu/Santa Monica Mountains Land Use Plan Sensitive Resource Map, there is a provision detailed under Policy 57 of the Malibu-Santa Monica Mountains LUP for ESHA not shown as ESHA on the map to be so designated as part of a site specific biotic review or other

means. The Commission finds that, based on the site specific review of the habitats on the project site by Dr. Dixon, that the oak woodland habitat on the project site is ESHA.

In addition, the hillside in the northeast portion of the property contains chaparral habitat that is contiguous with a larger area of chaparral and coastal sage scrub habitat that extends several miles east of the site. Thus the chaparral on the subject site also is considered an environmentally sensitive habitat area (ESHA) pursuant to Section 30107.5 of the Coastal Act and the provisions for ESHA designation under Policy 57 of the Malibu-Santa Monica Mountains LUP.

For all of the reasons discussed above, the Commission finds that Stokes Canyon Creek and its associated riparian woodland on the subject site, as well as the chaparral and oak woodland habitats on the subject site, meet the definition of ESHA under the Coastal Act.

Environmentally Sensitive Habitat Protection Policies

Section 30240 requires that “environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.” Section 30240(b) requires development adjacent to ESHA to be sited and designed to prevent impacts that would significantly degrade ESHA, and to be compatible with the continuance of adjacent ESHA.

Additionally, the Los Angeles County certified Malibu/Santa Monica Mountains Land Use Plan (LUP) contains policies that require the protection of streams and environmentally sensitive habitat areas. While the County does not have a fully certified Local Coastal Plan, and the standard of review for Commission decisions on coastal developments in the Santa Monica Mountains is the Coastal Act, the Commission has used the policies of the LUP as guidance. The Table 1 (ESHA) development standards and stream protection policies of the certified Malibu-Santa Monica Mountains LUP limit uses adjacent to ESHA to permitted uses that are set back a minimum of 100 feet, and that are consistent with appropriate erosion control and stream protection policies, as well as any other LUP Policy. Table 1 also requires that a minimum 100-foot setback be provided from the ESHA for structures associated with a permitted use and that this setback is measured from the outer edge of the riparian canopy.

Analysis of Project Impacts

The applicant requests after-the-fact approval for construction of an approximately six-acre equestrian facility, including two riding arenas, fencing, a dirt access road with at-grade crossing through Stokes Creek, corrals, paddock, shelters, tack rooms, barn, and similar structures, as described fully in Section A. above. The proposed project also includes removal of 32 pipe corrals, and several covered corrals, cross-tie areas, storage containers, and tack rooms. In addition, the proposed project includes reduction in the size of the fenced paddock area and construction of four covered pipe barns, two shelters, three tack rooms, and two manure storage areas as also detailed in Section A. above. Finally, the applicant proposes storm water pollution control measures, streambank stabilization, and riparian restoration.

Although the applicant has not provided information regarding the maximum number of horses that it proposes to maintain on the site, the March 2005 Draft Environmental Impact Report (EIR) that was prepared for the nearby Malibu Valley Inn and Spa project (that was to have been developed by the applicant) estimates that an average of 50 horses were stabled on the project site at that time. Based on the proposed new and as-built facilities used for horse

breeding, raising, training, stabling, exercising, boarding and rehabilitation of horses, staff estimates that the project will provide stalls for approximately 76 horses.

The proposed equestrian facility can be divided into two areas: the northern area, on which the applicant proposes four 2,660 sq. ft. covered pipe barns, two 576 sq. ft. shelters, three 96 sq. ft. tack rooms, one manure storage area, and an approximately 45,000 sq. ft. riding arena; and the southern area, located south of Stokes Creek, between the stream and Mulholland Highway, on which the applicant proposes a 576 sq. ft. shelter, 1,440 sq. ft. barn, 2,660 sq. ft. mare motel, one manure storage area, an approximately 2,000 sq. ft. parking lot, approximately 24,000 sq. ft. riding arena, and approximately 15,000 sq. ft. fenced paddock. In addition, the northern and southern portions of the facility will be linked by an as-built dirt access road with at-grade crossing through Stokes Creek; the road crosses the creek at the northern riding arena, and then runs parallel to the paddock and smaller arena in the southern portion of the property. A second existing at-grade dirt creek crossing, to be retained as part of the proposed project, runs from the southwest corner of the northern arena to the stable area in the southern portion of the property. Lastly, the proposed project includes livestock fencing enclosing the approximately 23-acre hillside area of the property east of Stokes Creek.

The proposed new and as-built facilities provide a setback of 50 feet from the top of bank of Stokes Canyon Creek. However, the Table 1 development standards and stream protection policies of the certified Malibu-Santa Monica Mountains LUP, which the Commission uses as guidance, require that structures adjacent to ESHA be set back a minimum of 100 feet from the outer edge of the riparian tree canopy, not the top of the bank of whatever stream happens to be located within the ESHA. When properly measured from the outer edge of the riparian canopy, portions of the proposed equestrian facilities do not even meet a 50-foot setback. The proposed pipe barns and associated development in the northern portion of the property are approximately 30 feet from the edge of the riparian canopy at its closest point. The proposed arena in the northern portion of the property is located as close as 30 feet from the riparian tree canopy. In the southern portion of the site, the proposed development is located as close as 10 feet from the edge of the riparian vegetation canopy. Portions of the dirt access road network that encircles all of the proposed structures and arenas on the site are situated immediately adjacent to the edge of the riparian canopy (**Exhibit 23**).

As noted above, the applicant requests approval for construction of an approximately six-acre equestrian facility within and adjacent to a riparian woodland ESHA, and livestock fencing enclosing the approximately 23-acre hillside area east of Stokes Creek, which contains chaparral and oak woodland ESHA. The portions of the proposed development that are within ESHA are inconsistent with Section 30240 of the Coastal Act. Equestrian facilities and livestock enclosures do not have to be located within ESHA to function. Therefore, the Commission finds that the proposed development within ESHA is not a use dependent on ESHA resources. Thus, the livestock fencing and the two proposed stream crossings that extend into the riparian canopy, which involve development directly in ESHA, are inconsistent with Section 30240.

Furthermore, the two stream crossings would significantly disrupt habitat values of Stokes Creek by reducing the streambed to compacted bare soil and increasing the transport of pollutants into the stream, inconsistent not only with Section 30240, but with Section 30231 of the Coastal Act and the stream protection standards of the Malibu-Santa Monica Mountains LUP. The LUP also prohibits alteration of streambeds in ESHA, requires road crossings to be minimized, and requires any such crossings that are unavoidable to consist of bridging, as discussed further in Section E. below.

The portions of the equestrian facility that are located adjacent to the on-site ESHA are also inconsistent with Coastal Act Section 30240. The majority of these portions of the proposed development are located between 0 and 100 feet from the edge of the stream riparian canopy. Approval of the proposed project would allow intensive equestrian use and equestrian-related development within and immediately adjacent to the boundaries of the riparian woodland ESHA. This development would significantly degrade the riparian woodland ESHA by increasing human and equine activity and its attendant impacts, including noise, lighting, irrigation, erosion, increased introduction of animal waste and other pollutants and, potentially, invasive plant and animal species into the ESHA. The proposed project would also require fuel modification, which would extend into the riparian ESHA. The fuel modification plan submitted by the applicant indicates that riparian vegetation in the southern portion of the property would remain, but does not note the same protection for riparian vegetation on the remainder of the property.

Section 30240(b) requires development in areas adjacent to ESHA to be sited and designed to prevent impacts that would significantly degrade such areas, and to be compatible with the continuance of such habitat areas. The Table 1 development standards and stream protection policies of the certified Malibu-Santa Monica Mountains LUP, which the Commission uses as guidance, limits uses adjacent to ESHA to permitted uses that are set back a minimum of 100 feet, and that are consistent with appropriate erosion control and stream protection policies, as well as any other LUP Policy. The LUP provides that the 100-foot setback from the ESHA is measured from the outer edge of the riparian canopy. Further, in past permit actions, the Commission has consistently required development to be located no closer than 100 feet from ESHA, in order to protect the biological integrity of the ESHA, provide space for transitional vegetated buffer areas, and minimize human intrusion. All of those concerns are relevant here, and thus, in this case, the Commission finds that a 100 foot buffer from the riparian woodland ESHA and the oak woodland ESHA is necessary to prevent impacts that would significantly degrade these ESHAs. Because the proposed development is set back less than 50 feet from the riparian woodland ESHA on the site, the proposed development is inconsistent with Section 30240(b) of the Coastal Act, and the associated standards provided in the certified LUP for the area.

Furthermore, Section 30231 and 30240(b) require maintenance of natural vegetation buffer areas that protect riparian habitats. Approval of the proposed development would result in placement of structures and confinement of horses adjacent to the riparian habitat on site, and the construction of at-grade crossings within the stream itself. The proposed project thus would not maintain an adequate natural vegetation buffer area to protect the riparian habitat, inconsistent with Section 30231 and 30240(b) of the Coastal Act.

The primary functions of buffers are to protect against human and domestic animal disturbance, that is, to keep disturbance at a distance from sensitive environmental resources, and to provide ecosystem services in benefit of the adjacent ESHA. Riparian buffers adjacent to streams and creeks serve to maintain the integrity of the waterway, stabilize the stream banks, reduce pollution, and provide food, habitat, and thermal protection for both terrestrial and aquatic organisms. Riparian buffers benefit aquatic habitat by improving the quality of nearby waters through shading, filtering, and moderating stream flow. Shade provided by the plants maintains cooler, more even water temperatures. Cooler water holds more oxygen that helps reduce stress on fish and other aquatic animals. The layers of vegetation in a riparian zone include a leafy canopy which provides cover and food to many birds, including flycatchers, owls, and raptors which are helpful to equestrians in insect and rodent control. Plant debris also contributes to a more complex food web providing a food source to microbes, insects, and other invertebrates benefiting all fish and wildlife. Plant roots hold bank soil together and plant stems

protect banks by deflecting the cutting action of storm runoff. The vegetation helps stabilize banks and reduces water velocity and erosion. With the vegetation slowing down the velocity of the runoff, the riparian buffer allows water to infiltrate the soil and recharge the groundwater supply. Another benefit is that near-surface groundwater will reach the waterway at a much slower rate over a longer period of time than if it had directly flowed into the waterway. Water infiltration helps control flooding and maintains water flow even during dry periods. The water infiltration capacity of the riparian buffer area also allows sediments and pollutants to settle out, be modified by soil bacteria, and taken up by plants, thereby minimizing the amount of sediment and pollutants that may enter the waterway.¹⁶ In this case, the applicant proposes an equestrian facility that could accommodate the boarding of up to approximately 75 horses. Given this intensity of development, the water infiltration capacity of the riparian buffer to absorb and filter nutrients and other pollutants that result from confined animals is particularly critical in order to avoid or minimize impacts to environmentally sensitive habitat.

According to a California Coastal Commission January 2007 report entitled, "Policies in Local Coastal Programs Regarding Development Setbacks and Mitigation Ratios for Wetlands and Other Environmentally Sensitive Habitat Areas", which documents and provides assessment of the resource protection policies in the Local Coastal Programs that currently exist in the state of California, research on the effectiveness of riparian buffers have found that 30-60m (97.5-195 feet) wide riparian buffer strips will effectively protect water resources through physical and chemical filtration processes. For the purpose of filtering nitrogen compounds, a study determined that "the most effective buffers are at least 30m (97.5 feet) or 100 feet wide composed of native forest, and are applied to all streams, including small ones." Studies of the distribution of plant and bird species in relation to variable riparian buffer dimensions within several riparian systems have found that to include 90% of streamside plants, the minimum buffer ranged from 10m (32.5 feet) to 30m (97.5 feet), depending on the stream, whereas minimum buffers of 75m (250 feet) to 175m (570 feet) were needed to include 90% of the bird species. Research suggests that recommended widths for ecological concerns in riparian buffer strips typically are much wider than those recommended for water quality concerns, often exceeding 100m (325 feet) in width.¹⁷ In general, as the goals of riparian buffers change from single function to multiple or system functions, the required buffer widths increase. For a riparian ESHA buffer to serve multiple functions, the research indicates that a 100-foot buffer is the absolute minimum required for protecting the habitat area and water quality from adverse environmental impacts caused by development. In the case of an intensive use near a stream, such as the proposed project, the need for a generously sized and functional buffer between development and the waterway becomes greater. As previously described above, the LUP policies require a minimum setback of 100 feet from ESHA. The Commission has consistently required a 100 foot buffer between riparian ESHA and development, including equestrian facilities. It should be noted that in order to protect riparian and other types of ESHA from significant habitat disruption, the Commission has required the 100-foot riparian buffer to be maintained in projects, including equestrian facilities, that are much less dense and intense than the development considered herein. Given the intensity of development proposed and the adverse impacts on ESHA that can result, a buffer of 100-feet is clearly a bare minimum that should be provided in this case.

¹⁶ Council of Bay Area Resource Conservation Districts, June 2003. Equine Facilities Manure Management Practices Fact Sheet, "Managing Manure: The Role of Riparian Buffers".

¹⁷ "Stream Setback Technical Memo", James D. Robins of Jones & Stokes, October 18, 2002. Prepared for the Napa County Conservation, Development, and Planning Department.

As mentioned previously, the applicant proposes to set back the majority of the proposed development 50 feet from the top of stream bank. The riparian canopy (the dripline of all riparian trees and shrubs) extends outward from the stream top of bank a distance that varies from 1 foot to 20 feet on the development side of the stream. This means that the proposed setback will be less than 50 feet from the stream's riparian canopy. This will not provide an adequate buffer to avoid or minimize impacts to ESHA from noise, activity, human intrusion, equine intrusion, erosion, runoff, or introduction of animal waste or other pollutants.

The applicant proposes to install vegetative swales, a bioretention basin, and restoration of a 0.5-acre area of damaged riparian habitat located within the setback area, approximately 20 feet from the riparian canopy, as part of the proposed project. However, while these proposed improvements attempt to reduce or mitigate for adverse impacts to riparian habitat and water quality as a result of the project and reduced buffer area, these measures do not address many of the impacts listed above and are far from adequate to avoid even the exclusively water quality-related impacts to ESHA from the introduction of animal waste and other pollutants, as discussed in greater detail in Section E below. The buffer will not be of sufficient size to provide physical or chemical filtering of runoff in order to protect the riparian ESHA. Furthermore, siting alternatives exist to comply with the minimum required buffer area of 100 feet and avoid impacts to ESHA.

In addition, some of the proposed development is located within the protected zones of individual oak trees in the equestrian area. Specifically, fencing, as well as a cleared area surrounding the arena, is within the protected zone of a mature oak tree adjacent to Stokes Canyon Road in the northern portion of the property. In addition, the access road, fencing, and paddock are within the protected zones of three oak trees in the southern portion of the property, southeast of Stokes Creek (**Exhibit 27**).

The Commission finds that native oak trees are an important coastal resource. Native trees prevent the erosion of hillsides and stream banks, moderate water temperatures in streams through shading, provide food and habitat, including nesting, roosting, and burrowing to a wide variety of wildlife. The individual oak trees on the subject site (i.e., those that are not part of the oak woodland that is located to the east of Stokes Canyon Creek) provide habitat for wildlife and are an important part of the character and scenic quality of the area. Therefore, even the oak trees on the subject site that are not part of an oak woodland ESHA are still an important coastal resource that is protected by Coastal Act Section 30250.

Oak trees are a part of the California native plant community and need special attention to maintain and protect their health. Oak trees in residentially landscaped areas often suffer decline and early death due to conditions that are preventable. Damage can often take years to become evident and by the time the tree shows obvious signs of disease it is usually too late to restore the health of the tree. Oak trees provide important habitat and shading for other animal species, such as deer and bees. Oak trees are very long lived, some up to 250 years old, relatively slow growing becoming large trees between 30 to 70 feet high, and are sensitive to surrounding land uses, grading or excavation at or near the roots and irrigation of the root area particularly during the summer dormancy. Improper watering, especially during the hot summer months when the tree is dormant and disturbance to root areas are the most common causes of tree loss.

The publication entitled "Oak Trees: Care and Maintenance," prepared by the Los Angeles County Department of Forester and Fire Warden, states:

Oak trees in the residential landscape often suffer decline and early death due to conditions that are easily preventable. Damage can often take years to become evident, and by the time the tree shows obvious signs of disease it is usually too late to help. Improper watering...and disturbance to root areas are most often the causes.

That publication goes on to state:

Oaks are easily damaged and very sensitive to disturbances that occur to the tree or in the surrounding environment. The root system is extensive but surprisingly shallow, radiating out as much as 50 feet beyond the spread of the tree leaves, or canopy. The ground area at the outside edge of the canopy, referred to as the dripline, is especially important: the tree obtains most of its surface water and nutrients here, as well as conducts an important exchange of air and other gases....The roots depend on an important exchange of both water and air through the soil within the protected zone. Any kind of activity which compacts the soil in this area blocks this exchange and can have serious long term negative effects on the trees....

In recognition of the sensitive nature of oak trees to human disturbance and to increase protection of these sensitive resources, the Los Angeles County Oak Tree Ordinance defines the "protected zone" around an oak tree as follows:

The Protected Zone shall mean that area within the dripline of an oak tree and extending therefrom to a point at least 5 feet outside the dripline or 15 feet from the trunk, whichever distance is greater.

Equestrian traffic has been found to compact soils and can have detrimental impacts on those oak trees whose driplines are located in or adjacent to equestrian facilities. In regards to a horse facility in the Santa Monica Mountains, Doug McCreary, Program Manager for the University of California Cooperative Extension Integrated Hardwood Range Management Program states:

"...my observations are that horses are the worst in causing compaction in a confined situation. Six horses over 2 acres seems like an extremely high density to me (here at the SFREC we have about one cow per 20 acres) and I would guess that after a year, there would be little or no ground vegetation left in the pasture and there would be a risk of heavy compaction during wet periods."

In addition, the Commission finds that, in the case of soil compaction, it can frequently take many years before damage to oak trees becomes apparent.

As such, the proposed project would have significant avoidable adverse impacts to individual oak trees on the site that are considered an important coastal resource, inconsistent with Section 30250 of the Coastal Act.

Project Alternatives

Alternatives must be considered to determine if there is an alternative project that would lessen or avoid the significant environmental impacts to ESHA to such an extent that it would be consistent with the ESHA protection policies listed above. An alternative is a description of

another activity or project that responds to the major environmental impacts of the project identified through the Commission's analysis. Project alternatives can fall into one of two categories: 1) on-site alternatives, which generally consist of different uses of the land under consideration, or different siting or design of the proposed development; and 2) off-site alternatives, which usually involve similar uses at different locations. In this case, as discussed in great detail above, the proposed project does not provide an adequate buffer to minimize the impacts of the construction and operation of the equestrian facilities on ESHA.

There are on-site siting and design alternatives to the proposed project that would be consistent with Section 30240 of the Coastal Act and the applicable policies of the LUP. Although application of the 100-foot setback significantly reduces the amount of area available for development on the lower portion of the property, it does allow for two areas – an approximately 40,000 sq. ft area adjacent to Stokes Canyon Road in the central portion of the property, and an approximately 20,000 sq. ft. area in the southern portion of the property, adjacent to Mulholland Highway – to be used for development (**Exhibit 24**). These areas could accommodate the majority of the proposed structural development, including the covered corrals, barns, tack rooms, mare motel, storage buildings, shelters and other buildings, although they could not accommodate the riding arenas as well. However, there are already additional equestrian facilities existing on the site, including two riding rings, in the far northern portion of the property, which is outside of the Coastal Zone. Another feasible alternative would be the construction of a single-family residence in the approximately 40,000 sq. ft. area adjacent to Stokes Canyon Road which would provide a reasonable economic use of the property.

There are also potential siting alternatives off-site. Brian Boudreau, president of Malibu Valley Farms, Inc., also owns several other parcels in the project vicinity that appear to contain suitable areas for low-intensity equestrian facility use and are not located in or adjacent to a stream course (**Exhibit 25**). The parcel to the north, APN 4455-043-007, is owned by Malibu Canyon LP (whose president is Brian Boudreau). While this parcel is also bisected by Stokes Creek, there appear to be areas on the property that are level and can provide a 100 setback from the riparian canopy. Another parcel, APN 4455-028-045, located to the south of the subject parcel, is owned by Robert Levin, a partner of Mr. Boudreau. This parcel contains a flat strip of land adjacent to Mulholland Highway and the subject parcel that appears suitable for equestrian-related development. Additionally, there are a few parcels (APN 4455-028-094, -093, and -096) located on the west side of Stokes Canyon Road that are also controlled by Mr. Boudreau (Malibu Canyon LP) and appear to already be in agricultural use. These parcels also contain level areas that appear appropriate for low-intensity equestrian-related facilities. Although the Commission cannot conclusively state what sort of development would be approvable, or approved, on a given site until it is presented with all of the necessary information, there appear to be ample opportunities in the immediate vicinity for development along the lines of what is currently proposed.

In sum, feasible alternatives exist, both on-site and off-site, to accommodate low-intensity equestrian facilities while providing at least a 100-foot setback from streams and avoiding or minimizing impacts to sensitive coastal resources.

For the reasons discussed above, the Commission finds that the proposed project does not protect the Stokes Canyon Creek ESHA from significant disruption of habitat values and has not been sited and designed in a manner that would prevent impacts that would significantly degrade the riparian woodland ESHA on the site. The project is therefore not consistent with Section 30240 of the Coastal Act. The proposed project would also have significant avoidable adverse impacts on non-ESHA biological coastal resources, such as individual oak trees,

inconsistent with Section 30250 of the Coastal Act. Finally, the proposed project is inconsistent with the applicable policies of the Malibu/Santa Monica Mountains Land Use Plan, which the Commission uses as guidance. The project must therefore be denied.

E. Water Quality and Stream Resources

Section **30231** of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section **30236** of the Coastal Act states:

Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.

In addition, the Malibu/Santa Monica Mountains LUP provides policy guidance regarding the protection of water quality and marine resources. The Coastal Commission has relied upon the following policies as guidance in its review of development proposals in the Santa Monica Mountains:

- P76** ***In accordance with Section 30236 of the Coastal Act, channelizations, dams, or other substantial alterations of stream courses shown as blue line streams on the latest available USGS map should incorporate the best mitigation measures feasible, and be limited to 1) necessary water supply projects, 2) flood control projects that are necessary to protect public safety or existing structures, and 3) developments where the primary purpose is the improvement of fish and wildlife habitat.***
- P78** ***Stream road crossings shall be undertaken by the least environmentally damaging feasible method. Road crossings of streams should be accomplished by bridging, unless other methods are determined by the ERB to be less damaging. Bridge columns shall be located outside stream courses, if feasible. Road crossings of streams within ESHAs designated by the LCP may be allowed as a conditional use for the purpose of providing access to recreational areas open to the public or homesites located outside the ESHA where there is no feasible alternative for providing access.***

- P81** *To control runoff into coastal waters, wetlands and riparian areas, as required by Section 30231 of the Coastal Act, the maximum rate of storm water runoff into such areas from new development should not exceed the peak level that existed prior to development.*
- P82** *Grading shall be minimized for all new development to ensure the potential negative effects of runoff and erosion on these resources are minimized.*
- P86** *A drainage control system, including on-site retention or detention where appropriate, shall be incorporated into the site design of new developments to minimize the effects of runoff and erosion. Runoff control systems shall be designed to prevent any increase in site runoff over pre-existing peak flows. Impacts on downstream sensitive riparian habitats must be mitigated.*
- P96** *Degradation of the water quality of groundwater basins, nearby streams, or wetlands shall not result from development of the site. Pollutants, such as chemicals, fuels, lubricants, raw sewage, and other harmful waste shall not be discharged into or alongside coastal streams or wetlands.*
- T 1** *A minimum setback of 100 feet from the outer limit of the pre-existing riparian tree canopy shall be required for any structure associated with a permitted use within or adjacent to an Environmentally Sensitive Habitat Area.*

Non-point source pollution is the pollution of coastal waters (including streams and underground water systems), by sources that do not discharge from a discernible, confined, discrete conveyance point, such as a pipe outfall. Non-point source pollutants include suspended solids, coliform bacteria and nutrients. These pollutants can originate from many different sources such as overflow septic systems, storm drains, runoff from roadways, driveways, rooftops and horse facilities.

Confined animal facilities are one of the most recognized sources of non-point source pollutants since these types of developments are cleared of vegetation and have concentrated sources of animal wastes that are rarely channeled into any sort of sewage conveyance system. Use of horse corrals generates horse wastes, which includes manure, urine, waste feed, and straw, shavings and/or dirt bedding, which can be significant contributors to pollution. In addition, horse wastes contain organic matter, nutrients such as phosphorous and nitrogen, as well as microbial pathogens such as coliform bacteria which can cause eutrophication and a decrease in oxygen levels resulting in clouding, algae blooms, and other impacts adversely affecting the biological productivity of coastal waters. Other contaminants in runoff from horse facilities can include pesticide residues (fly sprays and wormers), herbicide residues, and chemicals from soaps and other horse-care products.

When the pollutants are swept into coastal waters by storm water or other means, they can cause adverse cumulative impacts such as: eutrophication and anoxic conditions resulting in fish kills and diseases and the alteration of aquatic habitat, including adverse changes to species composition and size; excess nutrients causing algae blooms and sedimentation increasing turbidity, which both reduce the penetration of sunlight needed by aquatic vegetation that provide food and cover for aquatic species; disruptions to the reproductive cycle of aquatic species; acute and sublethal toxicity in aquatic organisms leading to adverse changes in reproduction and feeding behavior; and human diseases such as hepatitis and dysentery.

These impacts reduce the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes, reduce optimum populations of aquatic organisms, and can have adverse impacts on human health.

These types of pollutants are particularly significant here since Stokes Creek has been placed on the State of California's list of impaired water bodies (Clean Water Act 303(d) list) in both 2002 and 2006, due to its high coliform count. As noted above, the subject development is located on Stokes Creek, approximately one mile from its outlet into Las Virgenes Creek. Stokes Creek enters Las Virgenes Creek just above the latter stream's confluence with Malibu Creek, in Malibu Creek State Park. Las Virgenes Creek and Malibu Creek are also listed as impaired water bodies (Clean Water Act 303(d) list) by the Los Angeles Regional Water Quality Control Board (LARWQCB). Malibu Creek outlets into Malibu Lagoon and Surfrider Beach, which is consistently one of the most polluted beaches within the Santa Monica Bay¹⁸. The LARWQCB has developed a Total Maximum Daily Load (TMDL) for bacteria in the Malibu Creek Watershed, including Stokes Creek, which took effect January 24, 2006. This TMDL states¹⁹ "Manure produced by horses, cattle, sheep, goats, birds and other wildlife in the Malibu Creek Watershed are sources of both nutrients and coliforms." The Draft Implementation Plan for this TMDL is currently being reviewed by the LARWQCB, and includes provisions to reduce horse facility-related pollutants from entering the watershed. Therefore, the discharge of additional pollutants into Stokes Creek detracts from the efforts being made by LARWQCB to restore this water body and further degrades an already impaired stream, in contravention of the mandates of Section 30231 of the Coastal Act.

In addition, Stokes Canyon Creek's water quality has also been monitored by *Heal the Bay*, a non-profit environmental organization dedicated to research, education, and advocacy for clean coastal waters in Southern California. *Heal the Bay's* volunteer water quality monitoring program (the Stream Team) for the Malibu Creek watershed has a monitoring station located at the Stokes Creek outlet within Malibu Creek State Park, just downstream from the subject property. According to a letter to the Commission from *Heal the Bay*, dated August 4, 2006, regarding Malibu Valley Farms, Inc. previous permit application (4-02-131), Stokes Creek has periodically exceeded State freshwater bacterial standards for *E. coli* (coliform bacteria) and has commonly had high amounts of algae at the Stokes Creek outlet monitoring station (**Exhibit 20**). In addition, Heal the Bay's Stream Team had documented both hay and horse manure floating in Stokes Creek at discharge points in the southwest corner of the subject property.

The applicant requests after-the-fact approval for construction and operation of an approximately six-acre equestrian facility that includes two riding arenas, fencing, a dirt access road with two at-grade crossings through Stokes Creek, corrals, paddock, shelters, tack rooms, barn, and similar structures, as described fully in Section A. above. The proposed project also includes removal of 32 pipe corrals, and several covered corrals, cross-tie areas, storage containers, and tack rooms. In addition, the proposed project includes reduction in the size of the fenced paddock and construction of four covered pipe barns, two shelters, three tack rooms, and two manure storage areas as also detailed in Section A. above. Although the applicant has not provided information regarding the maximum number of horses that it proposes to maintain on the site, the March 2005 Draft Environmental Impact Report (EIR) that was prepared for the nearby Malibu Valley Inn and Spa project (that was to have been developed by the applicant) estimates that an average of 50 horses were stabled on the project site at that time. Based on

¹⁸ According to Heal the Bay's Beach Report Card: <http://www.healthebay.org/brc/gradehistory.asp?beach=10>

¹⁹ Taken from the TMDL Staff report, page 20:

http://www.swrcb.ca.gov/rwqcb4/html/meetings/tmdl/santa_monica/malibu/05_0309/TMDL%20Staff%20Report.pdf

the proposed new and as-built facilities used for horse breeding, raising, training, stabling, exercising, boarding and rehabilitation of horses, staff estimates that the project will provide stalls for approximately 76 horses). Ground cover at the facility consists of primarily bare soil, with the exception of the paddock in the southern portion of the property, and lawn areas surrounding the riding arenas.

The proposed equestrian facility is located in and adjacent to Stokes Creek. The proposed pipe barns and associated development in the northern portion of the property provide a setback of approximately 30 feet from the edge of the riparian tree canopy around Stokes Creek at its closest point. The proposed arena in the northern portion of the property is also located approximately 30 feet from the riparian dripline at its nearest point. In the southern portion of the site, proposed development is located approximately 10 feet from the riparian tree canopy at its closest point. In addition, the northern and southern portions of the facility are linked by an existing dirt access road with at-grade crossing through Stokes Creek, which crosses the creek at the northern riding arena, and then runs parallel to the paddock and smaller arena in the southern portion of the property. A second at-grade dirt creek crossing runs from the southwest corner of the northern arena to the stable area in the southern portion of the property.

Drainage from the site is currently by sheet flow runoff. The applicant has submitted a report ("Evaluation of Surface Water and Groundwater Quality Impacts Resulting from the Proposed Equestrian Facility at 2200 Stokes Canyon Road, Calabasas, California," by Jones & Stokes, July 3, 2002) indicating that the proposed project will cause roof runoff and runoff water in the northern portion of the project site to be diverted to the area between the riding arena in the central portion of the site and Stokes Canyon Road, or between the riding arena and the stream, and allowed to infiltrate. The report also said that exposed areas between the stream would be stabilized with deer grass (*Muhlenbergia rigens*) in order to serve as filter strips for the overland flow that occurs between the pole corrals and the edge of the stream. The report also notes that the applicant will implement a manure management program that will involve the regular collection, storage, and treatment of manure generated in the pipe corral areas.

The applicant has also submitted a site management plan, entitled "Malibu Valley Farms Comprehensive Management Plan: A Site Specific Animal Management and Emergency Preparedness Manual", dated December 2006 (**Exhibit 15**). The plan includes design details and implementation guidance for proposed best management practices (BMP) to be utilized by the facility regarding erosion control, water quality/runoff mitigation, general housekeeping management, and emergency preparedness/fire safety.

A Storm Water Runoff Plan, prepared by Diamond West Engineering, Inc. and dated December 2006, has been included as part of the submitted Comprehensive Site Management Plan and discusses the proposed water quality measures for the project (**Exhibit 15**). These measures include two vegetated swales, totally 1,400 lineal feet, that are situated between the creek and the developed portions of the site in order to convey and treat runoff from the site prior to discharge, and a retention basin located at the south side of the site designed to capture runoff from only a small portion of the site (0.1 acres). These measures are located less than 20 feet from the stream's riparian canopy. In addition, the applicant is proposing to restore and increase the riparian buffer in certain areas adjacent to the creek (totaling approximately ½ acre). Regarding control of erosion, the plan describes the proposed use of pasture rotation and management to maintain grass cover, rip rap velocity reducers to slow storm flows, stabilization of eroded stream banks, and implementation of dust control measures. Finally, source control measures, including Manure Management and Integrated Pest Management (IPM), are also proposed to protect water quality.

While these proposed measures will help control erosion and polluted runoff from the proposed development to an extent, they are not sufficient to ensure maximum water quality protection, especially for such a large, intensive site use as the proposed project. The proposed project is a large-scale horse facility adjacent to an impaired waterbody, and therefore requires additional protections to prevent pollutants from entering the stream. An increase in the proposed riparian buffer would be necessary to ensure adequate water quality protection and increase the effectiveness of the proposed pollution control measures. The Council of Bay Area Resource Conservation Districts notes that:

“Riparian Buffers...are one of the most effective tools to help assure clean runoff from horse facilities. Buffers can be considered a last line of defense against the natural downslope flow of runoff down streambanks before that runoff reaches the creek. As with all horse keeping practices, buffers should be integrated with other proven pollution control and management practices, and incorporated into a facility’s conservation plan to maximize their effectiveness in protecting overall water quality” (Managing Manure: The Role of Riparian Buffers, Fact Sheet, CBARCD, June 2003).

The aforementioned publication goes on to state that “generally, the wider the buffer, the greater the environmental benefit.” A setback distance (for horse facilities) from a water course of 100 feet is specified as ideal by the Resource Conservation District of the Santa Monica Mountains.²⁰ In past permit actions, the Commission has required horse facilities to be located a minimum distance of 100 feet from streams, in addition to requiring the employment of best management practices to minimize runoff of pollutants, in order to protect water quality. The 100-foot setback is measured from the outer edge of the riparian canopy. This setback is necessary to provide sufficient area for infiltration of runoff, prevention of erosion and sedimentation, minimization of the spread of invasive exotic plant and animal species, and to allow for an adequate and functional natural vegetation buffer consistent with Section 30231.

The primary functions of buffers are to keep disturbance at a distance from sensitive environmental resources and to provide ecosystem services in benefit of the adjacent ESHA, including water quality. Riparian buffers adjacent to streams and creeks serve to maintain the integrity of the waterway, stabilize the stream banks, reduce pollution, and provide food, habitat, and thermal protection for both terrestrial and aquatic organisms. Riparian buffers benefit aquatic habitat by improving the quality of nearby waters through shading, filtering, and moderating stream flow. Plant roots hold bank soil together and plant stems protect banks by deflecting the cutting action of storm runoff. The vegetation catches dust and pollutants carried by the wind and helps stabilize banks and reduce water velocity and erosion. With the vegetation slowing down the velocity of the runoff, the riparian buffer allows water to infiltrate the soil to help control flooding and runoff pollution. Water infiltration allows sediments and pollutants to settle out, be modified by soil bacteria, and taken up by plants, thereby minimizing the amount of sediment and pollutants that may enter the waterway.²¹ However, it is also important that pollution control measures, such as vegetative swales and bioretention basins, be situated on the outer edge of the riparian buffer if feasible in order to allow additional infiltration and absorption of excess nutrients, sediments, and pollutants within the buffer before they reach the creek. Buffers are a last line of defense against the natural flow of runoff down slopes and

²⁰ Stable and Horse Management in the Santa Monica Mountains, A Manual on Best Management Practices for the Reduction of Non-point Source Pollution, RCD/SMM, 1999.

²¹ “Managing Manure: The Role of Riparian Buffers”, Equine Facilities Manure Management Practices Fact Sheet, Council of Bay Area Resource Conservation Districts, June 2003.

streambanks before that runoff reaches a waterway. Vegetated buffer areas are especially critical when the nature of the development creates organic and chemical waste and is highly compacting of site soils. These conditions result in reduced site infiltration capacity and increased potential for nutrient, chemical, and sediment-loading of coastal waters. As previously described above, the LUP policies require a minimum setback of 100 feet from streams or riparian areas. The Commission has consistently required a 100 foot buffer between riparian areas and development, including equestrian facilities. It should be noted that in order to protect the water quality of streams and other coastal waters, the Commission has required the 100-foot riparian buffer to be maintained in projects, including equestrian facilities, which are much less dense and intense than the development considered herein. Given the intensity of development proposed and the adverse impacts on water quality that can result, particularly in an impaired water body, a buffer of 100-feet is clearly a bare minimum that should be provided in this case.

The proposed new and as-built development, including the vegetated swales and basin, is located less than 50 feet from the edge of the canopy of the riparian ESHA in several areas, and well within 100 feet of the stream for most of the proposed development. In the case of the as-built stream crossings, the development is in the streambed itself. This is all inconsistent with the LUP standard for setbacks (100 feet). Approval of the proposed development would thus allow placement of structures and confinement of horses within and adjacent to the riparian habitat on site and would not maintain a natural vegetation buffer area to protect the riparian habitat, and water quality, as required by Section 30231.

Section 30231 also requires minimal alteration of natural streams. Similarly, the Malibu-Santa Monica Mountains LUP also prohibits alteration of streambeds in ESHA where there are less environmentally damaging feasible alternatives for access, and requires any such crossings that are unavoidable to consist of bridging. In addition, Policy P76 of the LUP limits significant alterations of blue line streams to 1) necessary water supply projects, 2) flood control projects that are necessary to protect public safety or existing structures, and 3) developments where the primary purpose is the improvement of fish and wildlife habitat, consistent with the requirements of Section 30236 of the Coastal Act. Furthermore, Policy P78 of the LUP requires any stream crossings to be undertaken by the least environmentally damaging feasible method, and requires any crossings to consist of bridging unless a less damaging method is recommended by the Los Angeles County Environmental Review Board (ERB).

The proposed project includes two at-grade dirt crossings of Stokes Creek. These as-built creek crossings have reduced portions of the existing streambed to compacted bare soil, and thereby increase the transport of pollutants into the stream, inconsistent with Section 30231 of the Coastal Act and stream protection standards of the Malibu-Santa Monica Mountains LUP. The proposed crossings are furthermore inconsistent with the LUP policies regarding stream crossings and alteration of streams cited above, and with Section 30236 of the Coastal Act.

Further, as mentioned previously, the applicant proposes the use of rip rap as both a velocity reducer for flows discharging into the creek, and to repair and stabilize the streambank on the south side of the creek - a combination of rip rap and erosion control blankets, or other suitable methods, is specifically indicated. In order to minimize the alteration of the stream and protect the integrity of this resource in a manner consistent with Section 30231 and other applicable Coastal Act policies, the most environmentally sensitive methods of reducing flow velocity at creek outlets and stabilizing the streambank, such as the use of bioengineering techniques, should be employed where feasible.

Project Alternatives

Alternatives must be considered to determine if there is an alternative project that can lessen or avoid significant environmental impacts to water quality. An alternative is a description of another activity or project that responds to the major environmental impacts of the project identified through the Commission's analysis. Project alternatives can fall into one of two categories: on-site alternatives which generally consist of different uses of the land under consideration; and off-site alternatives which usually involve similar uses at different locations. In this case, as discussed in great detail above, the proposed project does not provide an adequate buffer or adequate BMPs to reduce the impacts of the construction and operation of the equestrian facilities on water quality to an acceptable level based on the standards provided by Chapter 3 of the Coastal Act.

There are also potential siting and design alternatives to the proposed project that would be consistent with the stream protection and water quality policies of the Coastal Act and LUP. Although application of the 100-foot setback does significantly reduce the amount of area available for development on the lower portion of the property, it does allow for two areas – an approximately 40,000 sq. ft area adjacent to Stokes Canyon Road in the northern portion of the property, and an approximately 20,000 sq. ft. area in the southern portion of the property, adjacent to Mulholland Highway – to be used for development (**Exhibit 24**). These areas could accommodate the majority of the proposed structural development, including the covered corrals, barns, tack rooms, mare motel, storage buildings, shelters and other buildings, although they could not accommodate the riding arenas as well. However, there are already additional equestrian facilities existing on the site, including two riding rings, in the far northern portion of the property, which is outside of the Coastal Zone. Another feasible alternative would be the construction of a single-family residence in the approximately 40,000 sq. ft. area adjacent to Stokes Canyon Road which would provide a reasonable economic use of the property.

There are also potential siting alternatives off-site. Brian Boudreau, president of Malibu Valley Farms, Inc., also owns several other parcels in the project vicinity that contain suitable areas for low-intensity equestrian facility use and are not located in or adjacent to a stream course (**Exhibit 25**). The parcel to the north, APN 4455-043-007, is owned by Malibu Canyon LP (whose president is Brian Boudreau). While this parcel is also bisected by Stokes Creek, there appear to be areas on the property that are level and can provide a 100 setback from the stream. Another parcel, APN 4455-028-045 located to the south of the subject parcel, is owned by Robert Levin, a partner of Mr. Boudreau. This parcel contains a flat strip of land adjacent to Mulholland Highway and the subject parcel that appears suitable for equestrian-related development. Additionally, there are a few parcels (APN 4455-028-094, -093, and -096) located on the west side of Stokes Canyon Road that are also controlled by Mr. Boudreau (Malibu Canyon LP) and appear to already be in agricultural use. These parcels also contain level areas that appear appropriate for low-intensity equestrian-related facilities.

In sum, feasible alternatives exist, both on-site and off-site, to accommodate low-intensity equestrian facilities while providing at least a 100-foot setback from streams and avoiding or minimizing impacts to water quality to such a degree as to make the project consistent with the standard in Chapter 3 of the Coastal Act.

In summary, the proposed development does not maintain or restore the biological productivity and water quality of Stokes Creeks or downstream coastal waters to maintain optimum aquatic populations or for the protection of human health by controlling polluted runoff, maintaining natural vegetation buffer areas, or minimizing alteration of natural stream banks. There are

project alternatives that can reduce or avoid impacts to water quality. Therefore, approval of the proposed development is inconsistent with Section 30231 of the Coastal Act. It is also inconsistent with Section 30236, for the reasons stated above, and the policies of the certified LUP listed above. The project must therefore be denied.

F. Visual Resources

Section 30251 of the Coastal Act states, in part:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

Section 30251 of the Coastal Act requires scenic and visual qualities to be considered and preserved. Section 30251 also requires that development be sited and designed to protect views of scenic areas, minimize alteration of landforms, and be visually compatible with the surrounding area.

The subject property is located immediately north of the former campus of Soka University, which is now public parkland. Scattered rural and residential development is located west and south of the subject property, and an undeveloped hillside containing primarily chaparral and oak woodland habitat is located to the east of the property. The subject site is highly visible from Mulholland Highway, a designated scenic highway in the Malibu-Santa Monica LUP, as well as from numerous public viewing points, including along the Backbone Trail, one of the most popular public hiking trails in the Santa Monica Mountains, and the Las Virgenes View trail, that afford scenic vistas of the relatively undisturbed natural area.

The natural landscape of the Santa Monica Mountains consists of lush riparian environments, oak woodlands, and chaparral and coastal sage scrub communities. The landscape ranges from steeply sloping canyons, to high rocky mountain peaks, to relatively flat alluvial flood plains. In addition to the varied landscape and vegetative communities, the Santa Monica Mountains provides habitat for such species as cooper's hawk, western screech owl, mule deer, gray foxes, and steelhead trout. This unique natural experience is one that you would find walking, hiking, or driving through the Santa Monica Mountains.

The as-built equestrian facility was not sited and designed to protect these views to and across this scenic area. The subject as-built development replaced riparian habitat and oak woodland, chaparral, and coastal sage scrub vegetative communities with an extensive equestrian facility. In addition, the as-built development included the grading of a dirt access road with crossings through Stokes Creek, thereby altering the stream bed and carving out a portion of the stream bank on either side of Stokes Creek. The facility's many structures, fencing, and access roads are visible along Mulholland Highway (designated as a scenic highway in the Malibu-Santa Monica LUP), and along the many public trails above the subject property.

Therefore, the Commission finds that the proposed development is not consistent with Section 30251 of the Coastal Act because it was not sited and designed to protect the scenic and visual characteristics of the surrounding area, and it contributes to a cumulative adverse impact of

increased development along Stokes Creek and the adjacent upland areas. As such, the proposed development is inconsistent with Section 30251 and must be denied.

G. Alternatives

Denial of the proposed project will neither eliminate all economically beneficial or productive use of the applicant's property nor unreasonably limit the owner's reasonable investment-backed expectations of the subject property. Several alternatives to the proposed development exist. Some of those possible alternatives are discussed in Sections D. and E. above, although those discussions are not intended to be, nor are they, comprehensive. Note that although the Commission presents those alternatives in an effort to assist the applicant and to point out potentially approvable alternative projects, the Commission cannot now guarantee that any given alternative would receive Coastal Act approval when it is presented in the future. This is true for many reasons, among them that: (1) the Commission reviews each project independently when it is presented, along with the required information about impacts to coastal resources, (2) the composition of the Commission may not be the same as it is now, and a different Commission may interpret the governing standards differently, view the facts differently, or simply exercise its discretion differently, and (3) the specific details of the project presented may raise additional issues that the general discussion above does not anticipate.

H. Violation

Development has occurred on the subject site without the required coastal development permit, including, but not limited to, an equestrian facility containing a 45,000 sq. ft. arena with five-foot high surrounding wooden wall with posts, 200 sq. ft. portable rollaway bin/container, 200 sq. ft. portable tack room with four-foot porch (to be relocated approximately 20 feet west), 576 sq. ft. pipe corral, 576 sq. ft. covered shelter, 25,200 sq. ft. riding arena, approximately 2,000 sq. ft. parking area, 2,660 sq. ft. back to back mare motel, 150 sq. ft. cross tie area, 1,440 sq. ft. one-story barn, 160 sq. ft. storage container, three-foot railroad tie walls, twenty-eight 576 sq. ft. portable pipe corrals, a 288 sq. ft. storage shelter, 200 sq. ft. portable storage trailer, four 400 sq. ft. portable pipe corrals, 101 sq. ft. tack room with no porch, four 101 sq. ft. portable tack rooms with four-foot porches, 250 sq. ft. cross tie area, 360 sq. ft. cross tie shelter, two 2,025 sq. ft. covered corrals, a 1,080 sq. ft. covered corral, an approximately 20,000 sq. ft. fenced paddock, fencing, dirt access road with at-grade crossing through Stokes Creek, and a second at-grade dirt crossing of Stokes Creek. The unpermitted development occurred prior to submission of this permit application.

The applicant is requesting after-the-fact approval for the unpermitted development, with the exception of twenty-eight 576 sq. ft. portable pipe corrals, four 400 sq. ft. portable pipe corrals, a 288 sq. ft. storage shelter, 200 sq. ft. portable storage trailer, 200 sq. ft. portable rollaway bin/container, 160 sq. ft. storage container, three-foot railroad tie walls, 101 sq. ft. tack room with no porch, four 101 sq. ft. portable tack rooms with four-foot porches, 200 sq. ft. portable tack room with four-foot porch, 150 sq. ft. cross tie area, 250 sq. ft. cross tie area, 360 sq. ft. cross tie shelter, two 2,025 sq. ft. covered corrals, and one 1,080 sq. ft. covered corral, which the applicant proposes to remove, and reduction in the size of the fenced paddock area by approximately 5,000 sq. ft.

As described above, the Commission approved Cease and Desist Order CCC-06-CD-14 and Restoration Order CCC-06-RO-07 (collectively, "Enforcement Orders") at the November 2006 hearing. These orders require the applicant to cease and desist from maintaining unpermitted

development on the site, to remove unpermitted development, and to restore the site (including the implementation of restorative grading, erosion control, and revegetation). The applicant was given the opportunity to apply to retain or remove the unpermitted development before the removal/restoration requirements of the Enforcement Orders would apply. This permit application followed. However, the applicant must remove all unpermitted development that is denied in the subject coastal development permit application and restore the site in the manner and timeframes set forth in the Enforcement Orders. As discussed above, and consistent with the findings in the Enforcement Orders, the proposed project is not consistent with the environmentally sensitive habitat area (ESHA), water quality, or visual resource policies of the Coastal Act or the Malibu/Santa Monica Mountains LUP, and it is therefore being denied.

Although development has taken place prior to submission of this permit application, consideration of this application by the Commission has been based solely upon the Chapter Three policies of the Coastal Act. Review of this permit application does not constitute a waiver of any legal action with regard to the alleged violations nor does it constitute an admission as to the legality of any development undertaken on the subject sites without a coastal development permit.

H. Local Coastal Program

Section **30604** of the Coastal Act states, in part:

a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a local program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal development permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program that conforms with Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed project will not be in conformity with the provisions of Chapter 3 of the Coastal Act. The proposed development will create adverse impacts and is found to be inconsistent with the applicable policies contained in Chapter 3. As discussed, there are alternatives to the project that would conform with the ESHA, water quality, and visual resources of the Coastal Act. Therefore, the Commission finds that approval of the proposed development, as conditioned, would prejudice the County of Los Angeles' ability to prepare a Local Coastal Program for this area that is also consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a), and the project must therefore be denied.

I. California Environmental Quality Act

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a coastal development permit application to be supported by a finding showing the application is consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being

approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect that the activity may have on the environment.

Previous sections of these findings contain documentation of the adverse impacts that the proposed equestrian facility would have on the environment. There are feasible alternatives to and mitigation measures for the proposed project that would lessen the impact on the environment. Therefore, for reasons previously cited in the findings above, the Commission finds that the proposed project is not the least environmentally damaging feasible alternative and is determined to be inconsistent with CEQA and inconsistent with the policies of the Coastal Act. It is therefore denied.

EXHIBIT LIST

Exhibit

Number Description

1. Vicinity Map
2. Parcel Map
3. Coastal Zone Boundary Determination
4. Existing Conditions Site Plan
5. Site Detail – North (Existing)
6. Site Detail – South (Existing)
7. Proposed Site Plan
8. Site Detail – North (Proposed)
9. Drainage Detail – North (Proposed)
10. Drainage Cross-Section – North (Proposed)
11. Site Detail – South (Proposed)
12. Drainage Detail – South (Proposed)
13. Drainage Cross-Section – South (Proposed)
14. Structural Details
15. Site Management Plan
16. Dr. Dixon ESHA Memo
17. Claim of Vested Right No. 4-00-279-VRC Staff Report
18. Cease & Desist/Restoration Orders No. CCC-06-CD-14, CCC-06-RO-07 Staff Report (without Exhibits)
19. California Coastal Commission Report on Local Coastal Program Policies Regarding Setbacks and Mitigation Ratios for Wetlands and Environmentally Sensitive Habitat Areas (CCC Setback Report)
20. *Heal the Bay* Comment Letter, August 4, 2006
21. Correspondence
22. Ex Parte Communications
23. Riparian Canopy Site Plan
24. On-site Alternatives Site Plan
25. Off-site Alternatives Aerial Photo
26. Biological Resource Map
27. Aerial Views (2)